



An
Bord
Pleanála

Inspector's Report ABP 312435-22.

Development	Construction of a house
Location	Graball Hill, Crosshaven, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	215070
Applicants	Conor Twomey & Sarah Woods
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	(1) Sharon Buckley (2) Tara, Eddie & Rene Buckley
Observers	None
Date of Site Inspection	12/4/2022
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is situated in Crosshaven, Co. Cork. It lies 0.7km to the north-east of the town centre. Camden Road the L2499 is situated to the west of the site and the L6522 road serving Graball Bay is situated to the south. The surrounding area is predominately residential with a mix of house types including bungalows, dormer bungalows and two storey houses.
- 1.2. The site has a stated area of 0.0929 hectares. It comprises a strip of circa 20m long which is an existing vehicular access and a central roughly square shaped area. The site is elevated with views out towards the west and south-west along the Owenboy River. To the east of the site there is housing which fronts onto Camden Lane. These properties are a mix of dormer and two-storey houses. The eastern boundary of the site is formed by a concrete fence. The western boundary is defined by a high mature griselinia hedge. The northern boundary is presently undefined.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a dwelling. The proposed dwelling is two-storey with a floor area of 238sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 16 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was sought in relation to the following;

1. Submit detailed cross sections through the site clearly demonstrating the relationship between the proposed dwelling with the landscaping in place along the eastern site boundary and demonstrate the relationship of the proposed dwelling with the dwelling in closest proximity to the east.

2. Clarify if the established landscaping in place along the eastern site boundary is to be retained in full and detail protective measures to be employed to ensure that this important screening is not compromised in any way particularly having regard to the proximity of the amended siting/orientation of the dwelling to the scheme permitted under Reg. Ref. 10/8589 & PL04.239511.
3. Revised site plan required to detail the separation distance of the proposed dwelling with the eastern site boundary and also details of the separation distance between the proposed dwelling and the nearest dwelling to the east.
4. Revised site plan required to detail all the boundary treatments proposed on all of the site boundaries.
5. Comprehensive landscaping plan required clearly indicating all hard and soft landscaping proposals for the entire site.
 - Following the submission of a response to the further information the Planning Authority were satisfied with the details submitted and a grant of permission was recommended.

3.2.2. Other Technical Reports

Area Engineer – No objections

3.3. **Prescribed Bodies**

Irish Water – No objections

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received 5 no. submissions/observations in relation to the application. The main issues raised are similar to those set out the third party appeals.

4.0 **Planning History**

Reg. Ref. 17/4632 – Extension of duration of permission was granted for Reg. Ref. 10/8589 & PL04.239511.

Reg. Ref. 10/8589 & PL04.239511 – Permission was granted for the construction of a new two-storey dwelling with a new vehicular entrance to serve the existing and proposed dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the provisions of the Cork County Development Plan 2014 – 2022.
- 5.1.2. Crosshaven is identified as a key village, which lies in the landscape character area known as Indented Estuarine Coast within which landscape value and sensitivity are very high and the landscape is of national importance.
- 5.1.3. Chapter 3 refers to Housing

5.2. Cork County Development Plan 2022 – 2028

- 5.2.1. The Elected Members of Cork County Council have adopted the Cork County Development Plan 2022-2028 at the Full Council Meeting held on Monday 25th April 2022. The Cork County Development Plan 2022-2028 will come into effect on Monday 6th June 2022.

5.3. Bandon Kinsale District Local Area Plan 2017 – 2022

- 5.3.1. Section 4.5 – Crosshaven and Bays
- 5.3.2. The appeal site is located within the settlement boundary of the key village of Crosshaven and Bays.

5.4. Natural Heritage Designations

- 5.4.1. Cork Harbour SPA (site code 004030), lies circa 830m to the north-west of the site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature of the proposed development the construction of a dwelling and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

Third party appeals have been submitted by (1) Sharon Buckley (2) Tara Buckley, Eddie Buckley & Rene Buckley.

(1) Sharon Buckley

- The site plan Drawing No: 282-9100 & 282-P105 does not indicate the appellant's dwelling.
- The orientation of the proposed dwelling is different to that permitted under Reg. Ref. 10/8589 & PL04.239511. It is stated that windows on the eastern elevation would overlook the appellant's dwelling. Due to the proposed increase in floor area the orientation of the dwelling has been revised from that previously approved. The appellant states that the currently proposed scheme would negatively impact upon the residential amenities of her property and other surrounding properties.
- It is considered that the pattern and scale of the proposed development is not in keeping with the character of surrounding property. It is noted that surrounding houses are mainly one and half storey and that the proposed dwelling is two-storey with a floor area of 238sq m. The dwelling previously permitted on site has an area of 184sq m. It is stated that while the floor area of the proposed dwelling has increased the size of the site has been reduced from that subject to the application and permission (Reg. Ref. 10/8589 & PL04.239511).

- The ridge height of the proposed dwelling is 101.95m this is the highest level for any dwelling proposed on the site. The previously granted dwelling had a ridge height of 7.15m with some elements at 6m and 4.15m. It is stated in the report of the planning officer that the floor level is to be reduced however the appellant is concerned that any increase in height would impact upon the houses in the vicinity.
- It is stated that height restrictions have not been provided in relation to the landscaping.
- In relation to the eastern boundary, the appellant raises concern whether a retaining wall could be built without potential damage to the existing trees along the boundary.
- The tree heights are estimated as approximately 6-6.5m in height. It is stated on Drawing No. 282-P105 that “the ridge height is approximately in line with the screening lines along the eastern boundary”. As these are indicated as approximate levels the appellant is concerned at the ridge height which would be built.
- The appellant considers that the landscaping plans provided were not comprehensive. The details submitted indicate two new plants on site. Concern is expressed that no additional planting is proposed at the boundary on the south-eastern side of the site.
- It is considered that the submitted landscaping plans did not accurately detail the northern boundary. The drawing indicates a straight line boundary with existing planting to be retained, however natural landscaping is in situ and there is an existing curved driveway on site. If the natural boundary is be retained, then it would reduce the site area available.
- The proposed soakaway is not indicated on the submitted drawings.

(2) Tara Buckley, Eddie Buckley & Rene Buckley

- The proposed development has changed significantly in terms of size and height from the previous granted dwelling on site under (Reg. Ref. 10/8589 & PL04.239511). The site area has been reduced while the area of the proposed dwelling has increased.

- The proposed ridge height of the dwelling would be higher than that previously permitted. The appellants have raised concerns that the proposed dwelling would impact the views towards the estuary.
- The design and scale of the proposed development is not in keeping with the character of the area. It is noted that the surrounding houses are storey and a half with one exception. It is considered that a two-storey development on the subject site which is confined would be contrary to the proper planning and sustainable development of the area.
- It is considered that the proposed development would cause overlooking, overshadowing and visual intrusion to the surrounding residential properties.
- It is stated that all sites originally purchased on Camden Lane/Graball Hill were bound by agreement to build a single dwelling on each site. The proposal would be contrary to this as a second dwelling would be built on the site.
- The location of soakaways are not indicated on the submitted plans. Condition no. 15 attached by the Planning Authority referred to a soakaway at the entrance to the site. The appellants have raised concern in relation to the suitability of the site entrance to accommodate the soakaway.
- Condition no. 5 as attached by the Planning Authority states that “trees etc shall be protected during building operations and retained thereafter.” It is stated that a height restriction for the trees on site has not been quantified and therefore there is ambiguity in relation to the maintenance of the boundary.
- It is detailed in the report of the planning officer that the “agent states the ridge of the proposed dwelling will not exceed the height of the existing screening to the east”. The height of the existing screening/boundary has been estimated as approximately 6m-6.5m. The appellants have expressed concern that boundary trees can grow to heights in excess of 30-60 feet. The appellants have requested that a restriction on the height of trees on site be implemented.
- A structural assessment was submitted by the applicant’s father Kieran Twomey. The report detailed the poor condition of the fence on his property.

Should a retaining wall be built along this boundary the appellants state that it is imperative that the tree boundary be maintained. However, it is stated given the proximity of the trees to the site boundary it is questionable as to whether the retaining wall could be built without impacting the trees.

- Detailed landscaping plans submitted by the applicant in response to the further information shows 2no. plants to be located on site. The site boundary is indicated as a straight line along the northern boundary. It is noted that there is an existing curved driveway on site where a straight hedge boundary is indicated. The accuracy of the plans and landscaping plans are queried.

6.2. Applicant Response

A response to the third party appeals was submitted from Simply Architecture on behalf of the applicants Conor Twomey & Sarah Woods. The issues raised are as follows;

- The most recent site plan submitted to Cork County Council Drawing no: 292-P100Rev A, does include the dwelling of the appellant Sharon Buckley. This is contrary to what is stated in the appeal. It is noted that the property of Sharon Buckley does not directly border the appeal site.
- The eastern boundary of the site is heavily planted. It is the intention of the applicants to maintain this boundary. The screening provided by this planting would obscure potential overlooking. It is also noted that there is a significant level difference between the proposed site and the sites to the east.
- They wish it to be noted that the level difference between the proposed site and the site immediately to the east was caused by the raising of the ground which has resulted in the eastern boundary of the site being compromised. An Engineer's report has been provided with the submission which has specific details in relation to the matter.
- As referenced on the submitted drawings the upper floor level of the proposed dwelling is 97.2m while the ground floor level of the dwelling immediately to the east is 98.56m, 1.36m higher. There is observably a similar level difference between the appellant's dwelling.

- The windows on the eastern elevation that are proximate to the appellant's dwelling are extremely narrow and one serves an en-suite which will be glazed with frosted glass. The remainder of the windows on the eastern elevation are considerably further distanced from the appellant's dwelling. The windows are located on a separate block which is mostly obscured by the flat roof block of the proposal. The separation distance provided was increased by the re-orientation of the dwelling on foot of the further information response.
- In general terms the planner's report endorsed the proposed layout as submitted in response to the further information request. "It is noted that it is proposed to alter the proposed dwellings position on the site further from the eastern boundary and angle its orientation more similarly to previously permitted 10/8589/PL.04.239511. This is an acceptable improvement."
- There are considerably more than one two-storey dwelling in the vicinity of the site, contrary to the point raised by the appellant. The total proposed site area is 929m² which would not be considered "confined".
- The proposed dwelling has a height of 7.752m from Lower Floor Level to highest ridge while the dwelling immediately to the east of the proposed site is almost 9m in height and on a higher site. The ridge height of the proposed dwelling is over 1m lower than the dwelling directly to the south of the site as indicated on the Site Section 5 (282-P105).
- Graball Hall slopes roughly from east to west the neighbouring dwelling is a good reference height for the proposed dwelling due to its similar position on the slopes of the hill.
- It is stated that the applicants fully intend to comply with all the planning conditions relating to the eastern bounding including safe guarding and enhancement of planting along the boundary. It is noted that this specific issue was dealt with in detail in the further information response as part of the original planning application and the Planning Authority were satisfied with this.
- The applicants fully intend to comply with all conditions relating to the eastern boundary as set out in the planning conditions. The Planner's report clarifies the relationship with the eastern boundary. It states, "on balance, I am

satisfied with the revised proposals and consider that a bond should be attached to ensure that landscaping proposals are carried out particularly along the eastern boundary. The proposed development is considered in accordance with the proper planning and sustainable development of the area.”

- Regarding the ridge height of the proposed dwelling, it is not in doubt. It is labelled as 101.952 on the drawings submitted with the application.
- A detailed landscape plan was submitted as part of the Further Information request. In relation to the photos and area of the site referenced by the appellant, the most proximate window to this part of the boundary is the narrow window to the en-suite.
- The northern boundary clearly shows new planting along it. It is specified in detail in the Landscape Plan.
- The soakaways have been conditioned by Cork County Council as part of the grant of permission and will be installed within the site in accordance with BRE 365.

6.3. Planning Authority Response

6.3.1. The Planning respectfully request that the Board have regard to the following matters;

- The Planning Authority would concur that the development has changed since the development permitted under Reg. Ref. 10/8579
- The agreement to build single storey dwellings off Camden Lane is not reinforced by a planning condition.
- Details of soakways must be provided prior to commencement of development.
- The Planning Authority does not apply height restrictions to trees.
- It is acknowledged that the retaining wall must be implemented without damage to the trees. In the event that some trees are damaged it will be

necessary to replace them. It is noted that any overhanging limbs can be cut back.

- Site boundaries seem consistent on all drawings.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact on residential amenity
- Surface water drainage
- Appropriate Assessment

7.1. **Design and impact on residential amenity**

- 7.1.1. The primary issues raised in the third party appeals refer to the proposed design of the dwelling in terms of its orientation on site and its scale and height. The appeals refer to the existing permission for a dwelling on site and consider that the current proposal represents a significant increase in the floor area while the site area has been reduced. Under Reg. Ref. 10/8589 & PL04.239511 permission was granted for the construction of a two-storey dwelling set into the slope on the site with a floor area of 184sq m. Under Reg. Ref. 17/4632 an extension of duration of the permission was granted. It is noted that the permission is due to expire in September 2022.
- 7.1.2. The dwelling currently proposed is two-storey with a floor area of 238sq m and similarly set into the slope on the site. The site has a stated area of 0.0929 hectares which is reduced by circa 0.037 hectares from the site area 0.13 hectares under the previous application. While I note the site area has been reduced, I am satisfied that the area can comfortably accommodate the proposed dwelling.
- 7.1.3. The matter of the orientation of the dwelling was raised in the grounds of appeal. As part of the further information response the siting of the dwelling was revised with it set further forward of the eastern boundary. The position of the dwelling has also been revised with it orientated on a NW-SE axis. In relation to the separation

distances from the boundaries I note that a minimum separation distance of 3.6m is provided to the eastern boundary. The orientation of the dwelling means this closest point is at the north-eastern corner of the dwelling. In relation to the southern boundary a minimum separation distance of 2.6m is proposed. This is at the north-eastern corner of the dwelling. Having regard to the revised position of the dwelling on site, I consider that the separation distances provided to the eastern and southern site boundaries will ensure that the existing trees and planting can be retained.

7.1.4. The appellants raised concerns regarding the proposed height of the dwelling and the issues of overlooking, overshadowing and overbearing. Item no. 1 of the further information request required the submission of a detailed cross sections through the site clearly demonstrating the relationship between the proposed dwelling with the landscaping in place along the eastern site boundary and demonstrate the relationship of the proposed dwelling with the dwelling in closest proximity to the east.

7.1.5. The proposed dwelling is two-storey and having regard to the topography of the site with it sloping in a westerly direction, the dwelling would be built into the site. Cross section submitted as part of the further information response, Drawing no: 282-P101 Revision A indicates the finished floor level and ridge height relative to that of the neighbouring dwelling to the east. The finished floor level of the proposed dwelling is 94.2m and the ridge height is 101.952m. The finished floor level of the dwelling to the east is 98.56m and the ridge height is 106.31m. As indicated on the drawing the floor level of the first floor of the proposed dwelling is roughly in line with the finished floor level of the neighbouring dwelling to the east. I note that there is a minimum separation of circa 14.9m between the two dwellings. Therefore, I am satisfied that the proposed dwelling would not have any undue impact in terms of overbearing upon the closest property to the east.

7.1.6. In relation to the neighbouring dwelling to the south which is located a minimum of 4.5m from the side of the proposed dwelling, as indicated on Site Section 5, Drawing no: 282-P105 Revision A, this dwelling has a finished floor level of 95.16m and a ridge height of 103.36m. There is a difference in finished floor level of 0.96m and a difference in ridge height of 1.4m. Therefore, the proposed dwelling has a lower finished floor level and ridge height. Having regard to the separation distance between the two properties and the height differential I am satisfied that the

proposed dwelling would not have any undue impact in terms of overbearing upon the closest property to the south.

- 7.1.7. Regarding the matter of potential overshadowing having regard to the location of the proposed dwelling relative to the neighbouring properties and the separation distance provided, I am satisfied that the proposed dwelling would not give rise to any undue overshadowing impact upon any neighbouring properties.
- 7.1.8. The grounds of appeal refer to potential overlooking. In relation to the siting and design of the proposed dwelling and the existing mature hedging which provides screening I am satisfied that there would be no undue overlooking of the closest properties to the front of the property i.e. to the west and south-west.
- 7.1.9. In relation to the neighbouring property to the east it is stated in the first party response that the windows in the eastern elevation of the proposed dwelling are extremely narrow and that one window which serves an en-suite will be fitted with frosted glass. The first party noted that the remainder of the windows on the eastern elevation are located a considerably further distance from the appellant's dwelling and that the windows are located on a separate block which is mostly obscured by the flat roof block of the proposal. Furthermore, they noted in their response that the separation distance provided was increased by the re-orientation of the dwelling on foot of the further information response. Having regard to the design and location of the fenestration to the east elevation of the dwelling, specifically the narrow high level windows and proposed use of rooflights I am satisfied that it would not result in any undue overlooking of the neighbouring dwelling to the east of the site.
- 7.1.10. Having reviewed the design and layout of the proposal relative to the existing surrounding properties, I consider having regard to the proposed siting of the dwelling and relative separation distances to the existing property that the proposed scheme would not result in any undue overlooking, overbearing or overshadowing of neighbouring residential properties.
- 7.1.11. The grounds of appeal refer to the height of trees on site and whether a height for trees on site can be specified when assessing the planning application. In response to the matter the Planning Authority stated that they do not apply height restrictions to trees. The site contains existing trees and hedgerow some of which form existing boundaries. As part of the further information request the Planning Authority sought

the submission of a comprehensive landscaping plan clearly indicating all hard and soft landscaping proposals for the entire site. I note the Landscape Plan which was submitted to the Planning Authority on the 24th of November 2021. The plan indicates the planting however it is not clear if it is required to remove any existing planting to facilitate the development. Furthermore, proposal in relation to hard landscaping have not been detailed on submitted drawing. Accordingly, I consider that should the Board decide to grant permission that it would be appropriate to attach a condition requiring that a comprehensive scheme of landscaping be submitted for the Planning Authority and the details of which to be agreed in writing with the planning authority prior to commencement of development.

7.1.12. The grounds of appeal refer to the matter of the eastern site boundary and concerns in relation to the proposed retaining wall. The appellant questions whether a retaining wall could be built without potential damage to the existing trees along the boundary. In response to the matter the applicants confirm that the eastern boundary of the site is heavily planted, that they plan to maintain this boundary and that they fully intend to comply with all the planning conditions relating to the eastern boundary including safe guarding and enhancement of planting along the boundary.

7.1.13. The first party appeal response in relation to the eastern boundary notes that there is a significant level difference between the proposed site and the sites to the east. As part of the appeal response a report from BJS Consultants Consulting Engineers & Project Managers was provided. The report refers to the eastern boundary. It states that an inspection of the precast concrete posts and plank fence was carried out on the 28th of September 2021. It was concluded that the concrete fence has no load bearing capacity and that it is inherently unsafe. The report recommends that the fence is taken down and replaced with a concrete retaining wall suitable for retaining the level of soil and surcharge loading behind it. Accordingly, it is clear that as part of the proposed development it is required that a new retaining wall be provided along the eastern site boundary. I consider that the matter of the retention and protection of the existing trees along the eastern boundary can be addressed by condition requiring the submission proposals for the protection of all existing and new planting for the duration of construction works on site.

7.2. Surface water drainage

- 7.2.1. The grounds of appeal raise concerns in relation to surface water drainage. As indicated on the Site Plan Drawing No. 282-P-100 a soakaway is proposed to the north-western corner of the site circa 8m from the corner of the dwelling. Its proposed location is downhill of the proposed dwelling and would have a separation distance of circa 12m from the closest neighbouring dwelling to the west of the site. The response from the first party states that soakaway will be installed on site in accordance with BRE 365.
- 7.2.2. Condition no. 15 attached to the grant of permission by the Planning Authority specified that a drainage grating along with a discharge pipe to a soakaway located within the site shall be installed at the entrance to the satisfaction of the Planning Authority. The appeals refer to the absence of design details in relation to the proposed soakaway. The response to the appeals from the Planning Authority advises that details of the soakways must be provided prior to commencement of development.
- 7.2.3. Accordingly, the proposed scheme includes the installation of an on-site soakaway and the Planning Authority sought by condition the provision of a drainage grating with a discharge pipe to connect to the proposed soakaway. I consider these proposals would be acceptable particularly having regard to the sloping nature of the site which could result in surface water gathering and ponding at lower surrounding locations in the absence of such on-site drainage. I am satisfied that the matter can be fully addressed by condition.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development consisting of the construction of a dwelling and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions and reasons.

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Cork County Development Plan 2014 – 2020, the Bandon Kinsale Municipal District Local Area Plan 2017 – 2022, to the nature and scale of the proposed development, to the pattern of existing development in the area and to the planning history on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area. 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 on the 24th day of November 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. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

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

Reason: In the interest of public health.

5. 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:

- (a) Contoured drawings to scale of not less than [1:500] showing –
 - (i) A survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal.
 - (ii) Any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surface materials.
- (b) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting 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.

Reason: In order to screen the development and assimilate it into the surrounding area, in the interest of visual amenity.

6. 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 interests of visual and residential amenity.

7. 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.

8. 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.

Siobhan Carroll
Planning Inspector

19th of May 2022