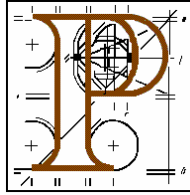


An Bord Pleanála



Inspector's Report

PL 04.240972

DEVELOPMENT: Demolition of existing house and construction of 12 no. houses, landscaping open space, and associated site works.

LOCATION: Gogganstown, Knockraha, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council.

Planning Authority Reg. No: 12/04425

Applicant: O'Leary & O'Sullivan Development Ltd

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant: Knockraha Area Community Association Ltd

Type of Appeal: Third Party

Observers: None

DATE OF SITE INSPECTION: 24 October 2012

INSPECTOR: Anne Marie O'Connor

1.0 SITE AND DEVELOPMENT DETAILS

Site Location and Description

- 1.1 The site is located in Knockraha village some 17 km to the north east of Cork City. The village has a range of community facilities including a primary school, community centre, church and a number of shops. The village is essentially linear in form, extending along a north-south axis for approximately 800m. A number of modern housing developments have been constructed at the northern end of the village.
- 1.2 The site comprises a detached bungalow and curtilage on the main road, and agricultural land to the rear. It has a stated area of 1.75 hectares but is part of a larger landholding. The ground levels rise away from the public road so the that site is some 4m above the level of the public road. There is an existing dwelling which occupies an area of land outside of the site and landholding boundary to the north. The curtilage of this property is surrounded on three sides by the appeal site.
- 1.3 The site abuts the rear of properties on the main road to the east; the rear of relatively recently constructed large detached dwellings to the north ('Chapel Field'); and agricultural land to the west and south. An un-surfaced agricultural track runs, inside the northern site boundary, from the road frontage to the agricultural land to the west. A traditional sod and stone ditch marks the southern boundary.

Description of Proposed Development

- 1.4 Planning permission was sought for the demolition of the existing bungalow on the public road to create access to the lands to the rear (west), and construction of 12 no. detached dwellings (5 no. 2-storey detached and 7 no. 1½-storey) .
- 1.5 A masterplan/ phasing plan is submitted which also shows further residential development on land to the west (within the blue line).
- 1.6 The number of dwellings was reduced to 6 no. 2-storey dwellings in response to a request for Further Information.

2.0 PLANNING AUTHORITY DECISION

The planning authority issued a notification of decision to **grant** planning permission. The following conditions are of note:

- C.2 No development shall commence until written confirmation has been received from the planning authority that the works for the provision of the public wastewater treatment system has commenced.

- C.3 No dwelling to be occupied until the watermain, foul sewer, storm sewer and public lighting have been commissioned.
- C.4 Materials.
- C.5 Upper floor windows on side elevations shall be permanently glazed with opaque glass.
- C.6 FFL shall be in accordance with submitted plans.
- C.7 Details of boundary treatment.
- C.8 Landscaping, to include a continuous row of trees on the eastern boundary of the public open space and house No.1.
- C.11 A 2m wide public footpath to be provided along the full extent of the site boundary with the public road and shall be continued along the southern boundary of the existing dwelling to the west of house No.2. Details to be agreed prior to commencement of development.
- C.15 A neighbourhood play area shall be provided on the site to the Council's satisfaction prior to first occupation of any of the dwellings.
- C.16 - 19 Sightlines.
- C.31 Bond for taking in charge.
- C.32 Social & Affordable housing.
- C.33 S.48 Development Contribution.

3.0 PLANNING APPLICATION

The application was submitted to the planning authority on 7 March 2012. Further information was received 15 June 2012.

The report of the **area planner** can be summarised as follows:

- Cork County Council have entered into a legal agreement for the applicant to construct a WWTP for Knockraha. The Water Services Investment Programme (WSIP) consider that this meets the waste water requirements. Access to the WWTP is shown.
- It is considered that the layout is acceptable in terms of the impact on the properties to the northeast of the site having regard to the boundary treatments, supplementary planting along the eastern boundary, separation distances, ffls and absence of windows on the side elevation of the House No.2.
- The gap in the proposed footpath can be dealt with by condition.
- Boundary treatment and landscaping generally acceptable.

- Public open space accounts for 17% of the site area and is acceptable.
- Revised layout no longer includes the laneway along the northern boundary within the plots of House Nos. 1 and 2.
- Layout submitted showing the foul drainage systems of the adjoining third party properties.
- A copy of the wayleave and agreement from the landowner to provide access to the watercourse for surface water runoff has been submitted and is noted.
- The red line boundary has been revised to facilitate sightlines of 60m. It seems that the sightline to the north is outside the road boundary of the adjoining property.
- It is considered that the revised plans are in accordance with local policies and address the previous reason for refusal on the site.
- **Grant** recommended.

The report of the **Senior Executive Planner** generally concurs with the assessment and recommendation of the area planner.

3.2 Technical Reports

Wastewater No objection subject to conditions.

Water Services No objection subject to conditions.

Lighting General conditions.

Roads Grant subject to conditions.

Estates No objection subject to conditions.

Senior Architect No objection provided zoning objective permits development and the site is not located within the greenbelt. Density should be reduced and details improved to better suit the style of building.

3.3 Prescribed Bodies

Inland Fisheries Ireland

Condition preventing occupation public sewerage facilities are upgraded recommended.

3.4 Third Party Submissions

Four submissions received. The issues not covered by the grounds of appeal are as follows:

- Impact on structural stability of existing properties.
- Impact on residential amenity in terms of privacy and loss of sun and daylight.
- Need for amenities in village to serve the existing and proposed housing estate.
- Turning provisions for emergency service inadequate.
- Noise pollution.
- Disturbance during phased construction.
- Excessive height.
- Extension to rear of Chapel Field dwellings not sown.
- Proposal will become a ghost estate.
- Surface water runoff from site to dwelling to the south east can result in garden becoming saturated and blocking back of drains.
- Right of way to back of site.
- Scale excessive. Suburban type of development.

4.0 PLANNING HISTORY

04.239398;10/08773

Permission for 12 no. dwellings on land within the same land holding but to the northwest (rear) of the current appeal site. Granted by planning authority, refused on appeal. Reasons for refusal (2):

1. Layout of proposed development comprises a piecemeal and haphazard approach to the development of the lands and does not provide for the appropriate sequential development of the landholding.
2. Inadequate layout and quality of private open space of proposed dwellings to the north of the site.

07/9701

44 no. dwellinghouses on the site and other lands within the applicant's ownership. **Refused** - lack of a wastewater treatment system for the village and inadequate water supply.

5.0 PLANNING POLICY

Development Plan

The *Cork County Development Plan 2009* and the *Middleton Electoral Area Local Area Plan 2011* apply.

Knockraha is a designated village in the LAP. This is the third tier in the settlement hierarchy (preceded by Main Settlements and Key Villages). The appeal site is unzoned but lies within the settlement boundary. The following objectives are relevant:

- DB-01 Additional dwelling units over the period 20110-2020 limited to 25. No one proposal to exceed 5 units.
- DB-02 New development within the development boundary.
- DB-03 Wastewater treatment and water supply.
- DB-04 Objective to extend footpaths.

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, December 2008

The Guidelines are accompanied by an Urban Design Manual providing a best practice guide. The guidelines address national policy objectives, the role of development plans and urban design. Chapter six deals with small towns and villages. Development in these settlements should be plan led, should contribute to compact towns and villages with higher densities appropriate in certain locations. The proposals should offer alternatives to urban generated housing with the scale of schemes in proportion to the pattern and grain of existing urban development. It is considered preferable that village expansion proceeds on the basis of a number of well integrated sites within and around the village centre rather than focusing on rapid growth driven by one large site. Chapter 6 also considers location and site selection, layout and design considerations and density.

6.0 GROUNDS OF APPEAL

6.1 Third Party Appeal

The grounds of appeal are submitted by the Knockraha Area Community Association (KACA) and can be summarised as follows:

- KACA are not opposed in principle to development.
- There is no demand for housing in the Knockraha area at present. Eight houses (25%) of the new housing estate in the village (Radharc na Tuithe) remain unoccupied.
- The applicant did not submit a revised masterplan for the entire 3.25ha site which would have afforded the planning authority more control over the completion of the WWTP. The masterplan should also have clarified the position

in relation to access to the agricultural land at the rear via the farm track to the north.

- Permission was refused for 44 houses under 07/9701 on the grounds of inadequate wastewater treatment system and water supply.
- **Public Water Supply:** Residents in the area experience daily problems in relation to water supply. The developer refused to comply with the FI request to carry out a water test. The planning authority capitulated to the developer and there is no condition attached that would indicate that the Council is willing to address this infrastructural deficiency. The proposed dwellings are located at a higher ground level and will, therefore, experience even greater difficulties. The matter of adequate supply for fire fighting services must also be considered.
- **Foul Drainage:** There is an existing problem in the village in relation to malfunctioning WWTP and septic tanks. No further development should be facilitated until CCC puts in place a coordinated works contract to address the problems in the village.
- **Footpath:** a continuous footpath should be provided connecting the site with the village and school.

6.2 Applicant Response to Grounds of Appeal

The applicant's response to the grounds of appeal can be summarised as follows:

- Knockraha is served by a public water scheme. The public water supply to the village is wholly adequate for the existing and proposed development.
- The applicant has entered into an agreement with the Council for the provision of a WWTP that will also facilitate connection to over 50% of the existing houses in the village.
- No house will be occupied until the new WWTP has been completed.
- Further future development will be needed to justify the cost of same.
- The masterplan is available for inspection at the offices of CCC.
- The planning authority's refusal in respect of 07/9701 was in the context of a proposal for 44 houses and a medical centre together with an additional 24 houses in the village.
- The current water use represents 44% of the available water supply to the village. There is no objection to C.29 of the planning authority's decision (storage tank for water supply). A letter to this effect from Barry and Partners, Consulting Engineers, is submitted.

- Details of the legal right of way to agricultural land to the north is submitted. This is reflected in the boundary treatment of houses 1 and 2. Any further application will reflect this wayleave.
- The proposed development does not have the effect of turning the village into an residential estate but instead has the effect of consolidating the boundary of the village and improving the level of services available for residents.
- The design, scale and layout of the proposed development was panned on foot of the Sustainable Residential Development Guidelines and pre-planning discussions with the planning authority.
- OLOS Developments is a local based construction company that has an excellent track record in the area. There should be no fear regarding non completion of the project.
- The development of the village will bring multiple benefits.

6.3 Planning Authority Response to Grounds of Appeal

None received.

7.0 ASSESSMENT

7.1 I have examined the file and the planning history, considered the prevailing local and national policies, inspected the site and assessed the proposal and all of the submissions. I note at the outset that planning permission for 12 houses on land within the same landholding (and proposing the same access arrangements) was previously refused by the Board (PL04.239398;10/08773). This appeal related to the north-eastern portion of the landholding which is further from the village centre and at a higher elevation than the current appeal site. The reasons for refusal in that case related to (1) the sequential development of the land which was further from the village and at higher elevation, and (2) inadequate private open space. In relation to the first reason, the current appeal relates to that portion of the landholding closest to the village centre and is, therefore, more appropriately located so as to address the Board's reason for refusal. The second reason is not directly relevant to the current appeal.

7.2 The following assessment covers the points made in the appeal submission, and also encapsulates my *de novo* consideration of the application. I note in the first instance that the proposed development includes the demolition of an existing dwelling to provide access from the main road. The dwelling proposed for demolition is relatively modern and is of little or no architectural interest. I have no objection to the demolition of same.

7.3 The key planning issues are, therefore, considered to be as follows:

1. Principle of Development
2. Layout and Design
3. Residential Amenity
4. Foul Drainage
5. Water Supply
6. Other Matters

Principle of Development

- 7.4 Knockraha is a small rural village within 10km of Cork city. The village experienced rapid growth in the 2005-2010 period, expanding from 35 dwellings to 120 over the 5 year period. The majority of this growth has occurred in the development of three housing estates at the northern end of the village. Knockraha is designated as a third tier settlement ('village') in the Middleton Electoral Area LAP 2011 and the appeal site is located within the settlement boundary for the village. The site is not, however, zoned and paragraph 1.5.29 of the LAP states that there is no automatic presumption in favour of development anywhere within the development boundary. .
- 7.5 The LAP is stated to reflect the "Core Strategy" for the County in accordance with the population targets and housing requirements for the South West Region. Objective DB-01 provides for the development of up to 25 additional dwellings in the period 2010-2020 but states that no one proposal shall be larger than 5 housing units. The original proposal for 12 housing units was amended at FI stage by omitting 6 of the proposed units. The proposal now before the Board comprises 6 units: 5 additional units as per the LAP restriction and 1 unit in lieu of the existing dwelling to be demolished. It does, therefore, accord with the provisions of objective DB-01. Furthermore, the Board's Order in respect of the previous refusal of planning permission stated that the Board agreed that the overall landholding would comprise an acceptable location for development given its proximity to the village.
- 7.6 I consider, therefore, that a residential development of the scale proposed is acceptable in principle at this location, subject to compliance with the objectives of the LAP and normal planning criteria.

Layout and Design

- 7.7 The appeal site is essentially a backland plot which slopes upwards to the rear of the main street. The current appeal site is some 4m above the ground level of the public road. Although the site is well located in relation to the village centre, it does present a number of design challenges in terms of the limited road frontage and topography of the

site, and the desire of the developer to develop the lands to the rear at some future point in time. In this respect the Board's attention is drawn to the submitted Masterplan which provides for a total of 30 no. detached houses indicated in three separate phases.

- 7.8 The proposed layout and design is quite suburban in nature and I consider that a much better design solution to the constraints of the site and rural village character of the location could have been achieved. I am also conscious that the development will be visible from the public road due to the higher ground level, and I note that the ridge height of the four (2-storey) houses on the western part of the site (Nos. 3-6, 125.58m OD) is some 6.8m above that of the existing bungalow to the front on the main road (118.78m OD). The development will, however, be set back c.90m from the public road. The planning authority has sought to address this matter to some extent by the requirement for tree planting along the eastern site boundary.
- 7.9 Despite, the limitations in terms of layout and design, the site is located within the development boundary for the village and is an appropriate site for residential development. On balance, I do not consider that the shortcomings in the layout and design are sufficient to warrant a refusal of planning permission in this instance.

Residential Amenity

- 7.10 The low density nature of the proposed development means that generous separation distances are provided to the site boundaries with adjacent residential properties. Details of boundary treatment is also submitted which will further mitigate any potential impacts. I also note the terms of Condition 5 which requires that all windows in side elevations shall be obscure glazed. I do not, therefore, consider that the proposed development would have a detrimental impact in terms of the residential amenity of existing properties.
- 7.11 The Board's second reason for refusal in respect of the previous application related to inadequate private space. I note, however, that all of the proposed dwellings have large rear gardens which will provide a good standard of amenity for future occupants.
- 7.12 It is stated that the proposed public open space amounts to 17% of the site area. The main area of open space benefits from a good level of natural surveillance and contains a play area.

Foul Drainage

- 7.13 There is no municipal WWTP in the village of Knockraha. The existing housing estates are served by their own treatment systems and all

other houses in the village are serviced by individual septic tank and proprietary treatment systems. The grounds of appeal largely relate to the failure to make provision for the existing problems in relation to malfunctioning treatment systems and septic tanks in the village.

- 7.14 The response to the grounds of appeal states that permission for a 1000 PE WWTP was approved in 2009 under the Part 8 procedure. However, due to changes in the LAP and associated reduction in planned development in Knockraha the applicant states that it was decided to construct the facility in the following three phases:

Phase 1A Construction of 350pe WWTP. This will facilitate the decommissioning of two WWTP (Chapel Field and Radharc na Tuaithe) and half of the houses in the village.

Phase 1B Construction of village network and pumping station to facilitate connection of the remainder of the village into the WWTP.

Phase 2 Upgrade the WWTP from 350 pe to 1000pe.

- 7.15 The applicant has entered into a PPP with the Council in relation to the provision of a 350pe WWTP on land to the north west. A copy of the legal agreement is submitted. This agreement, under which the applicant is obliged to pay for and provide (design and build) the WWTP, is conditional upon the developer obtaining planning permission for 12 housing units. Having regard to the reduction in the number of units from twelve to six in the current application, the response to the grounds of appeal states that further development will be needed to justify the financial cost of the WWTP and further planning permissions will be sought within the landholding. The applicant does, however, accept the terms of Condition Nos. 2 and 3 of the planning authority's decision which requires that the works for the provision of the WWTP must have commenced prior to the commencement of the development, and that no dwelling is occupied until the foul sewer serving the proposed development has been commissioned.

- 7.16 I note that this situation is similar to the circumstances which pertained in respect of the previous application refused by the Board but that permission was not refused on the grounds of public health.

- 7.17 It would appear, therefore, that the principle of the provision of a new WWTP is relatively established. In these circumstances, and subject to suitable conditions, I do not consider that a refusal of planning permission is warranted.

Water Supply

- 7.18 The grounds of appeal also express concern regarding water supply in the village and the capacity of the system to cater for the proposed

dwelling, which are located at a higher level than the dwellings currently experiencing difficulties.

- 7.19 The report of the Water Services engineer states that there is a history of complaints regarding water pressure towards the northern side of the village. Pressure and flow test carried out by CCC found that while the pressure is adequate, the flow reading is very low. It is stated that this is most likely due to the fact that the capacity (i.e. the diameter) of the main feeding the village from the Kilahora reservoir is limited (75mm). It was recommended that an on-site underground storage facility should be provided to offer 2 days storage along with a motorised valve so that the tank is filled at night only. A condition to this effect was attached to the decision of the planning authority (C.29). I consider that this is an acceptable means of addressing this matter.

Other Matters

- 7.20 The existing **footpath** between the village and the appeal site ends at the dwelling one to the north. Should the Board consider granting planning permission it is important that the developer provides a footpath that connects the development to the village and school. It would appear from my site visit that it would be possible to continue the existing footpath to the site within the public road. A condition should be attached either requiring the developer to carry out these works or the payment of a financial contribution for the planning authority to undertake the works themselves. In relation to this matter I note that Condition 11 of the planning authority's decision requires the provision of a public footpath along the full extent of the site boundary with the public road. This relates to the other (southern) side of the entrance and is not necessary for the connection of the proposed development to the facilities in the village such as the school etc.
- 7.21 In relation to **access and road safety**, the site entrance is located within a 50km/h zone. 60m sightlines have been shown on the submitted plans. The Engineering Report considers that sightlines of 80m must be provided 3m back from the road edge in both directions. It is stated that these criteria can be met but that the applicant has not shown them on the RFI site layout. A copy of the legal agreement with the owners of the land on either side of the entrance is submitted. I am in agreement with the planning authority that this issue can be dealt with by condition.
- 7.22 In relation to **surface water drainage**, it is proposed to discharge to a watercourse (stream) to the east of the site (on the opposite side of the public road). A copy of the wayleave agreement with the owner is submitted. This stream eventually enters the Buterstown River to the north of the village.

8.0 Appropriate Assessment

- 8.1 Great Channel Island SAC and Cork Harbour SPA are located some 5.5km to the south. The Buterstown River lies some 500m to the northwest of the site. This river flows into Cork Harbour SPA at Glanmire some 8km to the south west. A map showing the designated sites is appended. A screening report for AA has not been submitted.
- 8.2 I note that the conservation objectives for Cork Harbour SAC (code 4030) relate solely to wintering bird species. The conservation objectives for Great Island Channel SAC (code 1058) are stated as to maintain or restore the favourable conservation condition of (a) Mudflats and sandflats not covered by seawater at low tide, and (b) Atlantic salt meadows.
- 8.3 Having regard to the separation distance between the appeal site and the European sites, and subject to all wastewater being treated at an appropriately licensed wastewater treatment plant, I do not consider that the proposed development is likely to have a significant effect on a European site in view of the site's significant objectives. A Stage 2 appropriate assessment (and hence NIS) is not, therefore, required.

9.0 REASONS AND CONSIDERATIONS

Having regard to the location of the site within the development boundary of the village of Knockraha, the proximity of the site to the existing village centre, the reduction in the number of dwellings proposed, and the provisions in relation to the provision of a wastewater treatment plant for the village, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or of property in the area, or represent a hazard in terms of public health or road safety. The proposed development would, therefore be in accordance with the objectives of the Middleton Electoral Area Local Area Plan 2011, and proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 15th day of June 2012, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No development shall commence until written confirmation has been received from the planning authority that works for the provision of Phase 1A of the wastewater treatment plant for Knockraha village has commenced. No dwelling shall be occupied until the wastewater treatment plant and associated foul drainage system serving the dwellings has been commissioned and written confirmation is received from the planning authority.

Reason: In the interest of residential amenity and public health.

3. Prior to the commencement of development details of a footpath, including public lighting, connecting the development to the existing footpath along the western side of the public road leading to the village centre shall be submitted to the planning authority for written approval. This footpath shall be constructed at the developer's expense and no dwelling shall be occupied until the footpath has been completed and written confirmation is received from the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4. Any upper floor windows on the side elevations of the dwellings shall be permanently glazed with opaque glass.

Reason: In the interest of residential amenity.

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. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

6. 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.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. This shall include the extension of the internal footpath along the southern boundary of the existing dwelling to the west of Dwelling No.2.

Reason: In the interests of amenity and of traffic and pedestrian 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 interests 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 interests of visual and residential amenity.

10. Details of the layout, the materials, and external finishes of the screen walls shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

Reason: In the interests of residential and visual amenity.

11. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled,

seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. Full details of the proposed play area shall be agreed with the planning authority prior to the commencement of development.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. 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) A plan to scale of not less than [1:500] showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
 - (ii) Details of screen planting, which shall not include cupressocyparis x leylandii
 - (iii) Details of roadside/street planting [which shall not include prunus species]
 - (iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation

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.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated..

Reason: In the interests of sustainable waste management.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part

thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Anne Marie O'Connor
Senior Planning Inspector

07/02/2013