



Board Direction

Ref: PL04.247183

The submissions on this file and the Inspector's report were considered at a Board meeting held on December 20th 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the location of the site within a designated settlement boundary and the zoning of the site in the Macroom Local Area Plan 2011, to the pattern of development in the vicinity of the site, and having regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May 2009, 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 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.

Conditions

- 1(a). 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 31st day of May 2016 and on the 12th day of July 2016, 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.

- 1 (b) The road layout shall be in accordance with the layout plan submitted to the planning authority on the 31st day of May 2016, and not the layout submitted on the 12th day of July 2016. In particular, the enlarged turning areas to the north-west of house number 19 and to the north of houses numbers 11 and 12 as shown on the latter document shall not be constructed. The area thus released in the proposed turning area to the north-west of house number 19 shall be included in the public open space area for the estate.

Reason: In the interest of clarity, and to ensure that the road layout design standards conform to national policy.

2. All windows serving landings, WCs and bathrooms in the proposed development shall be permanently fitted with opaque glazing.

Reason: In the interest of residential amenity.

3. 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 colours shall be blue-black or slate grey only, including ridge tiles.

Reason: In the interest of visual amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to protect the residential amenities of adjoining properties.

5. 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.

6. Proposals for a development / estate 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 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 place names for new residential areas.

7. Site development and building works shall be carried only out between 08.00 hrs and 18.00 hrs Mondays to Fridays excluding bank holidays and between 08.00 hrs and 13.00 hrs on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities of adjoining properties.

8. (a) The rear gardens of the houses hereby permitted shall be bounded by concrete block walls 1.8 metres in height, which shall be capped and rendered on both sides, except where they bound adjoining open areas/laneways, when the walls shall be 2 metres in height. Those walls fronting the public roads shall be faced in stone, as proposed. Concrete post and timber panel fences shall not be used for rear garden boundaries.

(b) The front gardens of the houses hereby permitted shall be provided with low walls, finished in brick to match the brick used in the houses. The proposed steel fences shall not be used.

Reason: In the interests of visual amenity, the protection of residential amenities, and of providing durable boundary treatment to rear gardens.

9. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge, except as modified by condition 1(b) of this order. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

10. The areas of open space shown on the lodged plans (as modified by condition 1 (b) of this order) shall be reserved for such use and (other than the local play area) shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The local play area shall be developed in accordance with details to be submitted to, and agreed in writing with the planning authority prior to commencement of development. All of this work, including the play area, 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. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

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

11. All trees shown shall be retained on the site shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected beyond the branch spread, and no construction work or storage shall be carried out within the protective barrier.

Reason: In the interest of visual amenity and of protecting the residential amenities of adjoining properties.

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

Reason: In the interests of clarity, orderly development and amenity.

13. 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. All existing overground cables within and bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interest of visual and residential amenity, and of sustainable development.

14. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

15. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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: In the interests of residential amenity and proper waste management.

16. 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 housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) 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.

17. 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 until taking in charge of roads, footpaths, watermains, drains, public open spaces 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 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.

18. 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.

Note 1: In imposing condition no. 1(b), the Board considered that the road layout submitted to the planning authority on the 31st day of May 2016 was acceptable and conformed to the provisions of the Design Manual for Urban Roads and Streets, and did not consider that the enlarged turning areas shown on the layout submitted on the 12th July 2016, to the north west of house no. 19 and to the north of houses 11 and 12, were justifiable or necessary. In this regard, the Board noted that the design standard specified by the local authority in relation to these turning areas (the document "Recommendations for Site Development Works for Housing Areas", 1998) is no longer national policy and has been superceded by the Design Manual for Urban Roads and Streets.). The Board therefore also did not include condition 15, as imposed by the planning authority.

Note 2: In imposing condition no. 9, the Board considered that it was appropriate that the development should be taken in charge (in accordance with the provisions of Department of the Environment Circular PD1/08), and that it was inappropriate for the development (as it is a house-only scheme) to be managed by a private management company, and accordingly did not include condition no. 4 as recommended by the Inspector.

[Please issue a copy of this Direction with the Board Order.]

Board Member: _____
Philip Jones

Date: 10th January 2017