



An
Bord
Pleanála

Inspector's Report PL28.247708

Development	Eight number dwellings.
Location	Mile Stream, Shanakiel, Cork.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	16/37009
Applicant(s)	Aiden Murphy
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Pat Coffey
Observer(s)	None
Date of Site Inspection	8 th February 2017
Inspector	Fiona Fair.

1.0 Site Location and Description

The appeal site, with a stated area of 1.21ha, is located to the west of Cork City Centre, just inside the administrative boundary. The site is located to the west of the access road serving 'Mile Stream' and 'Ard Sionnach'. It has a linear east - west alignment, following an existing hedgerow separating the appeal site from five existing houses fronting Blarney Road. A small stream 'Mile Stream' runs along the western boundary. The lands, which comprise grassed agricultural lands, are located north of the Shanakiel Ridge, which is identified as a key landscape and visual element to the north-west of the City. Beyond the western boundary are open lands comprising Cork Metropolitan Greenbelt.

Access to the site is via a local road, just off the traffic light controlled junction, between Blarney Street and Blarney Road and which extends to the south east of the site serving the 'Mile Stream' residential development. The access road has footpaths on both sides and public street lighting is in place. The eastern site boundary abuts the access road and comprises in part a 1.8m high stone faced, capped wall and palisade fencing at the entrance to the site. There are no trees within the site boundary, owing in part to the ground having been altered by stockpiling and spreading of material, originating during construction of Mile Stream, however, north and western boundaries comprise of mature hedgerows.

'Mile Stream', is an incomplete residential development located in Shanakiel. 107 dwelling houses were previously approved for construction as a component of a Part 8 process which also included the provision of c. 250 houses in Ard Sionnach to the south, the majority of which were affordable dwellings for Cork City Council. Construction ceased in 2007 / 2008. Due to cessation of construction, the adjoining lands remain unfinished and in poor visual landscape / landscape condition, with four boarded up semidetached houses in-situ immediately to the east of the subject appeal site, overgrown vegetation / weeds, boarded up entrance and unfinished

boundaries. Regard is had to concurrent planning application PL 28.248042 / Reg. Ref. 16/37010, which relates to permission for 38 dwelling houses on the lands to the east of the subject appeal site, see planning history section of this report below.

2.0 Proposed Development

2.1. The proposal comprises permission to construct:

- Eight number identical single-storey four bedroom dwellings – each 166 sq. m
- All associated site development and landscaping works.

The following reports were submitted with the application:

- A Tree Survey Report
- Appropriate Assessment Screening Report
- Landscape and Visual Impact Assessment
- Photomontages

3.0 Planning Authority Decision

3.1. Decision

Following a request for Additional Information with respect to (i) watermain location, layout, depth and distance away from the proposed frame bases, planning permission was granted subject to 23 number conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report sets out that the proposed development is consistent with the zoning objectives of the site and surrounding area. The principle of residential development on the site is considered acceptable, subject to compliance with development management standards, not detracting from visual amenity or residential amenities of the area.

Drainage Report: No objection subject to condition.

Roads Planning: No objection subject to condition.

Traffic and Transportation: No objection subject to condition.

Environment: No objection subject to condition.

3.2.2. Other reports:

Irish Water: Report requested that further information be sought; report dated prior to Additional Information.

3.3. **Third Party Observations**

An objection was submitted to the planning authority. Concerns raised are similar to those raised in the third party appeal summarised in detail below.

4.0 **Planning History**

On the Subject Appeal lands

- 4.1.1. **PL 28.221883 / Reg. Ref. 06/31414** Retention Permission Refused (June 2007) for temporary deposition of excess excavated material (soil & stone), erection of temporary storage building and associated site works (all to service the adjoining residential development).

The reason for refusal states: 'The site is located in a Ridge Protection Zone where policy NHR 5 seeks to preserve and enhance the landscape character and visual amenity of the area under the provisions of the current development plan. The proposed development seeks to retain a temporary storage building and deposition of material on but part of a more extensive area of unauthorised development. It is considered that, by reason of significant visual obtrusiveness and an absence of dust suppression measures, the development to be retained, which includes the storage building erected partly on the unauthorised deposit, would materially contravene the said policy objective in the development plan, seriously injure the amenities of the

area and of property in the vicinity. The retention of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

4.1.2. **Enforcement File E6055**

Adjoining Site to the East

4.1.3. **PL 28.248042 / Reg. Ref. 16/37010:** Concurrent Live Application. Permission sought and granted (draft decision subject to 21 conditions) by the p.a. to construct 38 No. two and three-storey dwellings at Mile Stream, Shanakiel, Cork, including all associated site development and landscaping works. Currently subject to Third Party Appeal.

4.1.4. **Part 8** Permission granted for 347 residential units under a Part 8 permission in December 2005. Most of the existing development to the south and south east of the subject appeal site appear's to have been constructed under this Part 8 permission. There was a subsequent Part 8 permission granted in March 2008 for amendment to the previous permission including change of house type amendment to road layout.

4.1.5. **TP00/24704** Permission Refused by CCC for residential development comprising of 44 houses and 37 apartments.

The reason for refusal considered that the development would result in a layout of building of varying one, two and three storey's in height on elevated lands, which would dominate the natural character of the area thereby contravening development plan objectives. In addition, the development would adversely affect the setting and character of the adjacent landmark protected structure, the former Our Lady's Hospital.

5.0 Policy Context

- 5.1.1. Sustainable Residential Development in Urban Areas, 2009
- 5.1.2. Quality Housing for Sustainable Communities, 2007
- 5.1.3. Development Plan

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021. The appeal site straddles two land zonings:

To the north of the site - ZO 4: Residential, Local Services and Institutional Uses with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3'.

Residential Density

And

To the south of the site - ZO14: 'Public Open Space' with an objective to 'protect, retain and provide for recreational uses, open space and amenity facilities with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates.'

Chapter 10 Landscape and Natural Heritage

Section 10.14 'Area of High Landscape Value'

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised within the third party appeal from Blarney Road Residents Group c/o Pat Coffey have been collated under the following headings:

Planning History / Enforcement History

- The ridge in question should be restored to its original contour in accordance with ABP decision PL28.221883
- The site is subject to enforcement (enforcement file E6055), works to reinstate the site as required have not been implemented ('temporary earthworks' / considerable mounds of earth have not been removed)
- The site has been the subject of a number of objections, appeals and legal correspondence between residents, developers and Cork City Council.
- The enforcement file has not been implemented by Cork City Council.
- Points raised in letter of objection to the planning authority have been ignored or not taken specifically into consideration in the decision making process.

Material Contravention of City Council Development Plan

- The proposal would materially contravene the City Councils Development Plan, by way of negative impact upon intrinsic landscape character of the slope.
- Set a negative precedent

Impact Upon Visual Amenity

- Materially alter the contour of the ridge,
- Negative impact of excavation to provide for construction and access.
- Undue visual intrusion on Shanakiel Ridge.
- Shanakiel Ridge is extremely important to the character of Cork, particularly where it remains as undeveloped green landscape.
- This section of Shanakiel Ridge already has five existing houses fronting onto the Blarney Road
- A line of eight houses further out on the ridge, would not be consistent with the density of existing houses on this section of the ridge.
- Negative impact upon historic buildings of Our Lady's Hospital
- Proposed pitch of the roofs is excessively steep.

- Roof height is excessive
- Inconsistencies in the proposed plans regarding roof height
- A 2 m high fence along the northern boundary would impinge upon intrinsic visual character of the ridge

Impact Upon Residential Amenity

- Negative impact to privacy of existing dwelling along Blarney Road
- Possible future roof conversions would further impact upon privacy
- Concern with regard to proposals to construct a 2m high concrete post panel fence along the northern boundary with existing housing, low quality type fence totally unsuitable as party boundary
- Concern with respect to proposal to plant hedging 3 m – 3.5m along the northern boundary with existing houses. Loss of light entering gardens.
- Negative implications for capacity of residents to the north enjoying their properties to the full.

Environment and Health and Safety

- The five existing houses on the Balrney Road are served by septic tanks, located close to the boundary with the subject appeal site and the natural slope and flow from these would suggest that the adjoining lands would not be suitable on grounds of health and safety.
- There is a serious infestation of Japanese Knotweed on the western end of the site for which permission to build has been granted
- Concern that Japanese Knot weed constitutes a serious threat not only to existing houses on Shanakiel Ridge but to any proposed houses

The Appeal is accompanied with:

- Letters of objection re planning File Ref. 16/37009
- Acknowledgement of receipt of submission re planning File Ref. 16/37009
- Notification of decision to grant planning permission Reg. Ref. 16/37009
- An Bord Pleanála Inspector report PL28.221883

- An Bord Pleanála's decision PL28.221883
- Notice of Enforcement File E6055

6.2. Applicant Response

6.2.1. A response was submitted by Hogan Architecture Urban design on behalf of the applicant. It is summarised as follows:

Visual Impact

- Photomontages and Visual Impact Assessment submitted indicated that the proposed development would not have a significant negative impact on the views of Shanakiel ridge and the historic setting of Our Lady's Hospital

Enforcement / Planning History

- The shed was removed as required, however the owners of the site, Coleman Brothers Ltd. entered receivership prior to completing the reinstatement works.
- The proposed works under the subject proposal would resolve the matter and transform the lands into useable and attractive public open space
- It would be impractical and unnecessary to the environmental and surrounding residents to carry out extensive groundworks that would later prove to be redundant.

Development Plan

- The proposal is consistent with the site zoning

Detailed Design

- The extent, scale and height of the proposed house type has been designed to ensure minimal visual impact on the ridgeline and area of high landscape value
- The ridge line of the five houses to the north range from 95.77OD to 103.28 OD, whereas the proposed eight dwellings are lower, ranging from 93.30 OD to 101.5 OD

- The dwellings proposed are single storey, only, with proposed roof pitch of 35 degrees, selected to optimise solar panels. However, should the board consider it expedient, the applicant has no objection to a condition being attached which lowers the pitch to 27.5 degrees or 30 degrees to ensure the eventual residents are unlikely to utilise the attic space for living accommodation.
- The concrete post and panel fence proposed along the northern boundary would minimise disruption to the root system of existing trees and hedgerows
- Proposed planting schedule will ensure the ridge remains landscape dominated

Existing Treatment Units

- The minimum distance from any proposed house to an existing septic tank is 11.0m, well in excess of 7m min prescribed in the EPA Code of Practise for Wastewater Treatment and disposal Systems Serving Single Houses.
- Operation is a matter for the individual house owners

Treatment of Invasive Species

- A grant of permission will ensure the Himalayan Knotweed, as identified in the AA screening report submitted, will be eliminated rather than continuing the risk of further propagation
- A construction management plan will be submitted prior to the commencement of any development, outlining how the potential for the spread or dispersal of the plant will be removed
- No excavations or removal of existing soil is proposed along the western boundary.

Accompanied with Report by Brady Shipman Martin, summarised as:

- Construction management plan for the development will incorporate measures to ensure that the existing populations of Japanese Knotweed are treated appropriately during construction, i.e. plant elimination, whilst ensuring that there is no further spread of the plant.

- These will be carried out in accordance with best practice guidelines as issued by the National Parks and Wildlife Service (NPWS) which are available at www.invasivespeciesireland.com
- Left untreated the knotweed has the potential to further extend.

6.3. **Planning Authority Response**

- Response received no further comments forthcoming.

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the Site**
- **Visual amenity**
- **Residential Amenity**
- **Environmental Issues**
- **Enforcement / Planning History**
- **Appropriate Assessment**

7.2. **Principle of the Development on the Site**

7.2.1. As indicated in section 5.1.3 of this report, above, the appeal site straddles two land zonings. To the north of the site is zoned ZO 4: 'Residential, Local Services and Institutional Uses' with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3'. And to the south of the site - ZO14: 'Public Open Space'

7.2.2. The proposed development, for eight number single storey, four bedroom houses (each 166sq.m) on the lands zoned ZO 4, the northern portion of the site, is compatible in principle with this zoning objective, subject to compliance with development management criteria set out in the Development Plan.

7.3. Visual Amenity

- 7.3.1. The appeal site lies just above the steep northern slopes, which envelope the city of Cork, within a strong visual setting. The site is located on the upper slopes of the sensitive Shanakiel Ridge as identified in the Cork City Development Plan 2015-2021. The ridge consists of an area of open land at the upper level falling to a wooded escarpment overlooking the River Lee and the city to the south. The slopes define the pronounced sides of the Lee Valley and include panoramic views out over the city to the south and towards the west over the adjoining agricultural lands. Above the steep gradient of the valley slopes, the topography temporarily extends to a gentler and more even gradient of approx. 100m above sea level in and around the site and Blarney Street, before rising again to a height of approx. 140m to the north of the site.
- 7.3.2. The application site is identified, as being, within an 'area of high landscape value', defined in objective 10.4 of the Cork City Development Plan.
- 7.3.3. Objective 10.4 states: 'To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.'
- 7.3.4. Two protected views outlined in the Cork City Development Plan are of relevance.
OL1: View of Our Lady's Hospital from Model Farm Road (down Farranlea Road)
OL2: View of Our Lady's Hospital from Bishopstown Avenue
- 7.3.5. Objective 10.6 Views and Prospects aims 'to protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development, in particular those listed in the development plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark

buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views’.

- 7.3.6. I note the Landscape and Visual Impact Assessment, carried out by BSM, dated July 2016, submitted with the proposal. It concludes that the proposed housing scheme is moderate in scale and it is envisioned, with mitigation measures, it would have a ‘slight, neutral and long term effect’ on the landscape.
- 7.3.7. A detailed landscaping proposal has been submitted. The existing Hawthorn hedgerow along the northern boundary is proposed to be protected and retained. The western edge of the site is to be planted with a zone of mixed woodland. A 1.2m railing placed in front of this planting provides a safe but visually permeable edge to the existing stream along the western boundary edge. A 1.2m railing, to match the existing railing along the north eastern boundary, is also proposed to the southern boundary edge. Open green space is proposed to the south of the site with three grassed mounds. Native tree planting on these mounds is proposed to blend this scheme into the surrounding agricultural landscape and ridgeline. I am of the opinion that the landscape plan is satisfactory and would minimise potential visual impact.
- 7.3.8. Following my site visit and from consideration of the photomontages and landscape and visual impact assessment accompanying the proposal I am of the opinion that the proposed development, of eight single storey dwellings, does not unduly interfere with the general view of the elevated Shanakiel Ridge and surroundings of Our Lady’s Hospital from the surrounding landscape.
- 7.3.9. Regard is had to the existing two storey, much denser, housing in Mile Stream (incomplete development), River View and Beech Tree Avenue located to the east / south east of the subject appeal site. Regard is specifically had to the photomontages submitted indicating existing and proposed view of the site from Model Farm Road (down Farranlea Road) View 1 Rev:02 and a view of the proposal View 2 Rev:01. Given the low rise and low density nature of the development and its location at the northern end of the site behind the crest of the Shanakiel Ridge, and regard being had to the landscape masterplan with native tree planting and contouring proposed to the south of the site I consider that the proposal would not cause significant harm or injure to the Character of the Area of High Landscape

Value and would not contravene Development Plan policy in relation to areas of High Landscape Value.

7.4. Residential Amenity

- 7.4.1. The layout proposed follows the northern boundary of the site in a linear pattern. I note the applicant's submission that the extent, scale and height (c. 6m) of the proposed house type has been designed to ensure minimal visual impact on the ridgeline and area of high landscape value.
- 7.4.2. It is submitted that while the ridgelines of the existing five houses to the north, some of which are two storey in height, range from 95.77OD to 103.28 OD, the proposed 8 dwellings are lower, ranging from 93.30 OD to 101.5 OD.
- 7.4.3. I note the third party concern raised with respect to possible future attic conversions. The proposed roof pitch is 35 degrees. The first party have no objection to a condition being attached to any decision of grant of planning permission which lowers the pitch to 27.5 degrees or 30 degrees. In light of concerns raised and given the sensitive landscape setting I consider a condition limiting the pitch of the roof to 27.5 degrees is appropriate.
- 7.4.4. A rear garden depth of 8m – 20 m is proposed, given the single storey nature of the proposed dwellings and that there is sufficient private open space to the rear of each dwelling, I agree with the planning authority that the proposed development is acceptable in principle and would not have a negative impact upon the residential amenity currently enjoyed by the houses to the north fronting Blarney Road or give rise to inadequate residential amenity to future residents.
- 7.4.5. With respect to the northern boundary I am of the opinion the concrete post and timber panel fence boundary proposed, in order to minimise any disruption to the root system of existing trees and hedgerows, is appropriate and preferable to a concrete block wall. It is important to ensure that the ridge remains landscape dominated.
- 7.4.6. With respect to loss of light and overbearing, cognisance is had to the orientation of the site due south of the existing dwellings fronting Blarney Road, however, given the separation distances between houses, set back from boundary, mature

hedgerow and trees along the boundary and proposal for single storey dwellings, with no windows above ground floor, I do not agree with the third party that material issues of overlooking, overbearing or loss of light would arise.

7.5. Environmental Issues

- 7.5.1. There is an existing 100mm diameter watermain on the public road, which serves the adjacent River View development to the southeast. It is proposed to connect to this watermain in accordance with 'Recommendations for site development works for housing areas' and in accordance with requirements of Irish Water.
- 7.5.2. The wastewater on site will be conveyed by a gravity sewer system to the south west corner of the site. It is proposed to connect to the existing gravity sewer within the existing River View spine road to the south of the site. The planning authority and Irish Water raise no issues in terms of drainage subject to condition.
- 7.5.3. Third party concern has been raised with respect to proximity of the proposed dwellings to existing treatment units serving houses fronting Blarney Road.
- 7.5.4. I note the first party's response that the minimum distance from any proposed house to an existing septic tank is 11.0m, well in excess of the 7.0m minimum prescribed in the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.
- 7.5.5. Given the foregoing I do not consider that this issue constitutes reasonable grounds for refusal.
- 7.5.6. The presence of Japanese Knotweed was identified, on the western end of the site, in the AA screening report submitted with the planning application. Third party concern is raised that Japanese Knotweed constitutes a serious threat not only to existing houses on Shanakiel Ridge but to any proposed houses.
- 7.5.7. The first party convincingly argues that a grant of permission will ensure the Himalayan Knotweed, would be eliminated rather than continuing the risk of further propagation. It is contended that a construction management plan will be submitted prior to the commencement of any development, outlining how the potential for the spread or dispersal of the plant will be removed. I note that no excavations or removal of existing soil is proposed along the western boundary.

7.5.8. I am of the opinion, that subject to condition with respect to a construction environmental management plan being put in place, which specifically deals with the matter of Japanese Knotweed, this matter could be satisfactorily resolved and is not therefore a valid reason for refusal of the proposed development.

7.6. Enforcement / Planning History

7.6.1. Third party concern is expressed that the ridge in question should be restored to its original contour in accordance with ABP decision PL28.221883. That works to reinstate the site, as required, have not been implemented ('temporary earthworks' / considerable mounds of earth have not been removed).

7.6.2. I note that the appeal site has been the subject of enforcement, a number of objections, appeals and legal correspondence between residents, developers and Cork City Council. The first party submit that it would be impractical and unnecessary to the environment and surrounding residents to carry out extensive groundworks that would later prove to be redundant, given their proposal for eight dwellings on this site. The first party are of the opinion that the proposed works under the subject proposal would resolve the matter and transform the lands into useable and attractive public open space. Cork City Council have not commented on this matter and have recommended a draft decision to grant planning permission in the subject case.

7.6.3. From my site visit, it is clear the unauthorised structures, referred to in the case of PL28.221883, have been removed from the site. The decision on enforcement comes within the sole remit of the planning authority. Section 153 (1) (2) (a) of the Planning and Development Act 2000, as amended states: 'It shall be the duty of the planning authority to ensure that decisions on whether to issue an enforcement notice are taken as expeditiously as possible.' Regard being had to Section 153 (1) (2) (b) no timeframe is stated. I highlight that it is the sole responsibility of the planning authority to decide whether issues are deemed enforcement matters.

In any case the subject permission relates, solely, to the structures and uses detailed / described in the public notices associated with the subject development.

7.7. Appropriate Assessment (AA)

- 7.7.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).
- 7.7.2. The applicant has submitted an AA screening report which concludes that there would be no risk of significant negative effects on any European Site as a result of the proposed development, either alone or in combination with other plans or projects. The planning report on file concludes that appropriate assessment is not required.
- 7.7.3. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1.1. I recommend that planning permission should be Granted subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the land-use zoning of the site, its location within the Cork City development boundary and the existing pattern of development in the vicinity it is considered that subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenity of the area or injure residential amenity of property in the vicinity. 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 01st November 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.

Reason: In the interest of clarity.

2. That this permission authorises eight number residential units, only.

Reason: In the interests of clarity.

3. Prior to the commencement of development the developer shall submit revised plans and elevation drawings which indicate the roof pitch of the eight number single storey dwellings reduced to 27.5 degrees maximum, for the written agreement of the planning authority.

Reason: In the interest of clarity and to protect the visual amenity of the area.

4. The external finishes of the proposed development shall be as indicated on the plans and drawings submitted.

Reason: In the interest of the visual amenity.

5. The landscaping scheme shown on Landscape Masterplan Drg no. 301, as submitted to the planning authority on the 02nd day of August, 2016 shall be carried out within the first planting season following substantial completion of external construction works

- (i) The area of public open space shall be reserved for such use.
- (ii) The area shall be contoured, soiled, seeded and landscaped in accordance with the landscaping scheme submitted.
- (iii) 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 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 ensure the satisfactory development of the public open space area and its continued use for this purpose.

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. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. The internal road network serving the proposed development, including turning bay, junction, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

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

9. That all public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

Reason: In the interest of amenity

10. 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.

11. 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 and for the ongoing operation of these facilities for each house 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.

12. (a) The construction of the development shall be managed in accordance with a Construction 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 proposals to eliminate the invasive alien species of Himalayan Knotweed, noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

13. 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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 of the area.

14. 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.

15. 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.

Fiona Fair
Planning Inspector
20/03/2017