



An
Bord
Pleanála

Inspector's Report PL.04.249078

Development	Construct 10 no. detached dwelling houses and all ancillary site development works.
Location	Mountain Road, Kilmoney, Carrigaline, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/4692
Applicant(s)	Rowan View Developments
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Dr. Philip Cantillon & Ms. Maeve Cantillon
Observer(s)	Seamus O Dubhgain and Ursula Ui Dhubhgain
Date of Site Inspection	22 nd November 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is situated on the southern periphery of Carrigaline and the character of the local area is essentially the urban – rural fringe.
- 1.2. The appeal site is a backland infill site and the subject site is surrounded by housing developments on two sides and houses on individual sites on the remaining sides.
- 1.3. The subject site has road frontage onto Mountain Road. Mountain Road is generally characterised by houses on individual sites and agricultural land on the opposite side of the public road to the appeal site and therefore is generally rural in character.
- 1.4. The size of the appeal site is approximately 0.6 ha (1.48 acres) and the shape of the subject site is irregular.
- 1.5. There is an existing single storey detached house on the appeal site and a single storey detached garage. The area to the front, side and immediate rear to the existing house is landscaped. The remainder of the site is overgrown and vacant.
- 1.6. The subject site, on the day of my site inspection, had soft ground conditions and generally poor drainage and this was confirmed by the growth of rushes on the site. There is also a natural drainage ditch situated along the southern and eastern site boundaries of the subject site.
- 1.7. The site boundaries along the southern and eastern boundary comprise generally of mature hedgerow whereas the site boundary along the western boundary comprises largely of evergreen mature trees.
- 1.8. There is established housing estate comprising of 2-storey detached houses located to the south and the east of the appeal site and there are single storey houses on individual sites located to the immediate north of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises of 10 no. two-storey detached houses.
- 2.2. The public open space is situated to the front, i.e. north, of the proposed houses and along the north-western boundary of the appeal site. The submitted layout plan indicates that the total public open space provision is 18%.

- 2.3. The private open space provision is in the form of rear gardens There are two house types proposed and the floor area is as follows;
- House Type A – 194 sq. metres (4-bedroom unit).
 - House Type B – 194 sq. metres (4-bedroom unit).
- 2.4. The car parking provision to serve the proposed development is off street and two spaces per dwelling. This is also limited provision of on-street car parking.
- 2.5. The proposed development will be served by public water main and public sewer.

Additional information was sought in relation to the following; (a) footpath provision along the public road, (b) clarification in relation to surface water proposals, (c) drainage details, (d) detailed landscape plan, (e) boundary treatment details.

3.0 **Planning Authority Decision**

Cork County Council decided to **grant** planning permission subject to 34 no. conditions; The conditions are standard for the nature of the development proposed.

3.1. **Planning Authority Reports**

- 3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposal is consistent with the zoning objective for the subject site.
- The proposal provides acceptable public open space, private open space and car parking provision.
- The design as proposed is acceptable given the sites urban context.
- Having regard to the separation distances between the proposed development and the established houses no undue overlooking of neighbouring properties is expected.
- Given separation distances overshadowing is not a significant issue.
- Vehicular Sightlines are acceptable.

- Surface water issues need addressing.
- No objections to foul sewer capacity.
- Boundary treatment needs clarification.

Senior Executive Planner

- The proposal is not out of character with the local area.
- There is established housing to the south and east of the appeal site and the subject site is designated 'existing built up area' and therefore the principle of the proposed development is acceptable.
- The Area Engineer recommended a special development contribution to address infrastructural inadequacies on the public road such as footpath, lighting, drainage and poor quality road surface.
- Proposal includes connection to public foul sewer and public water main. This is acceptable.
- Further information required in relation to surface water drainage.
- The density, design and layout of the proposed development is considered acceptable.
- Separation distances are acceptable.
- Clarification required in relation to site boundaries.

3.1.2. Area Engineer; - Special contribution of €52,000 recommended to address deficiencies in relation to the public road. Sightline provision, internal footpaths and roads and car parking provision all acceptable. Additional information requested in relation to surface water.

3.1.3. Public Lighting; - No objections

3.1.4. Estates: - Additional information sought in relation to surface water treatment and boundaries.

3.1.5. Housing; - It is proposed to transfer one house in accordance with Part V. No objections.

3.1.6. Submissions; - There is a submission from Inland Fisheries who have no objections.

3.2. **Third Party Observations**

There are twelve third party submissions and the issues have been noted and considered.

4.0 **Planning History**

- No recent relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The operational development plan is the Cork County Development Plan, 2014 – 2020.

Policy HOU 3-1 ‘Sustainable Residential Communities’ is relevant. This policy objective encourages residential developments that promote developments which prioritises and facilitates walking, cycling and public transport use and developments that are consistent with the provisions of the Sustainable Residential Development in Urban Areas, 2009.

The following policy objectives are relevant to the proposed development;

HOU 3-2 Urban Design

HOU 3-3 Housing Mix

Section 3.4 advises in relation to Housing Density

Paragraph 5.5.2 sets out guidance in relation to public open space

Paragraph 5.5.16 sets out guidance in relation to private open space

Chapter 14 'Zoning and Landuse' sets out the zoning objectives as designated in the Local Area Plans.

6.0 Local Area Plan

The operational Local Area Plan is the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017, and the appeal site is in an area zoned 'Existing Built-Up Area'.

7.0 National Policy

Sustainable Residential Development in Urban Areas, 2009

The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 sets out guidance for residential development in small towns and villages. Appendix A of this document sets out guidance for measuring residential density.

Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2015

These guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards.

8.0 The Appeal

The following is the summary of a third-party appeal;

Validity and Prematurity

- It is submitted that the applicants do not have sufficient legal interest to proceed with the planning application.
- It is submitted that unsolicited information which related to drainage was submitted by the applicant following the lodgement of the planning application. The appellants are unaware whether the full information was put on the public file to allow public comment.
- It is submitted that the applicant's unsolicited additional information submission contained significant additional information requiring re-advertising of the planning application.
- It is therefore contended that the application is invalid.
- It is also considered that the applicant failed to adequately consider the pre-planning consultation in relation to material and significant issues.

Non-compliance with Development Plan Policy

- The subject site is not zoned for residential development.
- The subject site is peripheral located 2km from the town centre with no proper walking, cycling or public transport facilities.
- The character of the local area is considered transitional given that it is located between the built-up area of a town and the open countryside.
- The density and design of the town would be out of place with the peripheral location.
- The subject site is backland and infill.
- The proposed development should have regard to the local character of the area. As such the proposed development, does not respond positively to its immediate environment.

- The density is excessive and the design of two-storey houses is out of character with the established development pattern.
- The proposal will impact negatively to the local environment to the detriment of existing amenities.

Undue negative impacts on adjacent residential amenities

- It is contended that Mountain Road is an inadequate standard to accommodate the proposed development. This view is confirmed by reports by the Area Engineer and the Senior Executive Planner.
- The Local Authority response is to condition a special contribution for footpath provision.
- It is considered that this footpath is not achievable because the land necessary for the footpath is not within the applicant's landholding.
- The footpath, should it be constructed, would be isolated from the main network of footpaths and therefore would result in a traffic hazard.
- It is notable to create the adequate sightline provision that the applicant is required to remove trees however it is unknown whether the applicant has the capacity to work this out.
- Policy Objective HOU 3-1 states that it is policy to provide footpaths and public lights connecting to existing housing network of footpaths.
- There are currently 17 no. vehicular entrances onto Mountain Road within the space of 350m from the subject site. It is submitted that the introduction of the eighteenth vehicular entrance along the public road without footpaths would constitute a traffic hazard and undermine the safety of pedestrians.
- It is requested that the applicant demonstrate that the proposal will not overshadow or overlook neighbouring properties to the south.
- In absence of such demonstration it is argued that the proposed development will overlook and overshadow neighbouring residential amenities.

- There is no clarity as to the proposed boundary treatment and therefore residents are unsure of the proposed impacts on residential amenities.
- It is unclear whether the applicant can commit to the retention of the existing trees. The proposed construction works including digging out of foundations are likely to have a significant impact on existing trees and in turn the root system.
- The removal of trees could also result in surface water run-off from the proposed driveway into adjoining properties.
- The entire natural boundaries will be removed and will have an adverse impact on privacy of adjoining amenities.

Non-compliance with development management standards

- The character of the surrounding area is very important and a relevant consideration in relation to density.
- It is considered that the density guidelines are not relevant to lands zoned 'Existing Built-Up Areas'.
- It is contended that the proposed development will result in overdevelopment of the site given its size, backland nature, elevated nature and surrounding character.
- It is submitted that the remoteness of the site demonstrates that the site is unsuitable for higher density.
- It is contended that the appeal site located on the periphery, adjoining the designated greenbelt area is not suitable for the development density proposed.
- It is submitted that the backland nature of the subject site situated to the rear of the existing houses, remote from the town centre and all services would point towards low density development.
- The County Development Plan requires high quality useable open space.

- It is considered that the design, location and layout of the public open space did not form part of the original design intent.
- The open space proposed is generally left over land.
- It is contended that the proposal fails to deliver high quality open space.
- It is submitted that the proposed development is inconsistent with the design guidance 'Making Places: A Design Guide for Residential Estate Development, 2011.

9.0 Observation

The following is the summary of an observation submitted by Seamus O Dubhgain and Ursula Ui Dhubhgain.

- The observers submit that they still have the same views as their submission as submitted to Cork County Council on 24th April 2017.
- It is considered that the additional information submitted by Rowan View Developments is contradictory and conflicting with their original submission.
- It is submitted that the conditional permission is very vague as there is a lot to be agreed between the local authority and the developer.
- The observers fully support the appeal by Dr. Philip Cantillon and Ms. Maeve Cantillon.
- The Board are requested to consider the proposed density of this development and the proposed proximity and positioning of the houses and windows to avoid direct overlooking of the existing residences.

10.0 Responses

The following is the summary of a response submitted by the applicant's agent;

Non-compliance with Development Plan Policy

- The proposal is in line with the character of the area.

- The proposed development is low density, detached two-storey houses like existing housing estates Monks to the East, Wheatfields to the South, The Meadows to the West and Kilmoney Woods to the West.
- The proposed development is like the neighbouring residential development Wrenville Housing Estate and therefore is consistent with the pattern of development in the local area.

Undue Negative Impacts on the residential amenity of neighbouring properties

- The appellant outlines concerns in relation to traffic generation however the appellant's property is accessed from the R611 rather than Mountain Road. It is unknown how traffic generation from the proposed development will impact on the appellant's property.
- The Local Authority Engineer has confirmed that proposals in relation to new entrance, sightlines and footpaths are acceptable.
- It is contended that when all contributions are paid that the footpaths, drainage, public lighting and road surface will be vastly improved.
- The applicant's land ownership extends to the centre of the public road and this would address the appellant's concerns in relation to sightline provision.
- The provision of a footpath to the front of the site, paid by special development contributions, will begin the process of linking up the existing network which will encourage walking, cycling and public transport in line with policy objectives.
- The introduction of an attenuation tank will address concerns in relation to surface water. This will remove surface water falling onto the site and direct these waters into the surface water main sewer network.
- The proposed development is located to the north of the appellant's property and therefore would have no impact on the appellant's property.
- In relation to overlooking it is considered that the Planners Report addressed this issue.

- It is submitted that the boundary treatment comprises of a 1.8m high concrete post and panel fence. This proposal will ensure no impacts on existing trees and their respective boundaries.
- The applicant intends to retain all existing trees on the lateral and rear side boundaries as per Cork County Council request in their further information dated 16th May 2017.

Non-compliance with development management standards

- The Public Open Space provision is 18% which is at the top end of the requirements.
- This public open space is highly visible, flat in nature and benefits from passive surveillance.
- The proposed development also includes the provision of a neighbourhood play area at the western end of the public open space
- The proposal is consistent with policy objectives SC5.2 – SC 5.3 of the County Development Plan.

Making Places: A Design Guide for Residential Estate Developments, 2011

- The introduction of a new estate road encourages walking and cycling instead of car usage.
- The proposal includes two separate house types as such provides a mix of tenure.
- A planning condition retains trees along the site boundary. The proposed development also includes the provision of new tree planting and a new storm sewer network which will assist in absorbing surface water into the ground.
- The living areas of the proposed houses are located to the south to ensure solar gain.
- There is no need to provide terraced houses as the proposal relates to a low-density development.

- The proposed building design will include heat pumps for water and space heating as well as possible solar PV or Solar Panel technology subject to planning.
- The proposed dwellings can be extended should they be required.
- Ground level storage is provided.

11.0 Assessment

- Principle of Development
- Impacts on established residential amenities
- Development Management Standards
- Residential Amenities for residents
- Traffic and Access
- Appropriate Assessment
- Other Issues

11.1. Principle of Development

11.1.1. In considering the subject development, I would have regard to national policy. The National Spatial Strategy sets out a 20-year vision for the spatial development of the country designed to achieve more balanced social, economic and physical development between the regions. One of the key approaches taken by the N.S.S. to achieve balanced regional development is set out in Section 1.1 (iv) 'Planning' of the N.S.S. which states that 'Ireland needs to renew, consolidate and develop its existing cities, towns and villages – i.e. keeping them physically compact and public transport friendly as possible and minimising urban sprawl, Where greenfield development is necessary it should take place through the logical extension of existing cities, towns and villages'. The N.S.S. encourages more sustainable development which will mean maximising access to and encouraging use of public transport, cycling and walking.

- 11.1.2. In general, terms the strategy of the N.S.S. is to consolidate urban areas whether they are gateways, hubs, county towns or small villages. A principle of the strategy is the locating of development within existing urban centres which would support and strengthen the development of that urban centre and allow for integrated mixed-use development which would reduce demand for unsustainable transportation modes and which would invigorate and revitalise demand for local services within the centre. I would consider based on a visual observation of the local area and the information available on the file that the site the subject of the proposed development would be located within the built-up area of Carrigaline, although on the peripheral of the built-up area. It is also notable that there is a sizable housing development currently under appeal (appeal ref. 249195) which is located also to the south of Carrigaline and near the appeal site.
- 11.1.3. Based on the national policy objectives relevant to the proposed development I would consider that the proposed development would generally be consistent with the principles of the NSS.
- 11.1.4. The appeal site is located within the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017, and the subject site is located within the settlement boundary of Carrigaline. The appeal site is zoned 'Existing Built-up Area' in accordance with the provisions of the Municipal District Local Area Plan.
- 11.1.5. The Cork County Development Plan, 2014, sets out the zoning objectives in the Local Area Plans and the relevant policy objective is ZU 3-1 'Existing Built Up Areas'. It is stated that the objective of this land-use zoning is *'to normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted'*. The primary use in the vicinity of the appeal site is residential.

11.1.6. Paragraphs 14.3.1 of the Cork County Development Plan, 2014, sets out an explanation for this zoning objective and it is stated that the purpose of this zoning objective is to allow a flexible response to development proposals for the re-use or re-development of underused land. In the current instance the appeal site is currently vacant and the established context of the immediate area, particularly to the south and east is established suburban housing. I would also note that paragraph 14.3.6 of the Cork County Development Plan states that the inclusion of land within an existing built up area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area.

11.1.7. The Sustainable Residential Development in Urban Areas Guidelines, 2009, advises that development in smaller towns should be;

- plan led
- contribute to compact urban forms
- higher densities in appropriate locations
- offer alternatives to urban generated housing
- a scale of the development proportion to the pattern and grain of existing development

11.1.8. I would consider that the proposed development is generally consistent with this guidance.

11.1.9. Overall and having regard to the location of the proposed development which is a suburban location, albeit on the periphery of the built-up area, enclosed by established housing developments I would consider that the principle of residential development would be acceptable provided that the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard, and would be in accordance with the provisions of the Cork County Development, 2014 – 2020, and the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017.

11.2. Impacts on Established Residential Amenities

- 11.2.1. In terms of potential impacts that the proposed development may have on established residential amenities I would consider that overlooking, overshadowing and visual impacts are genuine concerns having regards to the existing context.
- 11.2.2. In relation to overlooking concerns I would note from the submitted site layout plan (scale 1:500) that the first-floor rear elevations of the proposed development are set back a minimum of 13 metres from the southern site boundary. The established two-storey houses in Wheatfields, i.e. the housing development to the south of the appeal site, are set back minimum distances of approximately 12 metres. Overall the separation distances of opposing rear windows would exceed the recommended 22 metres as per paragraph 7.4 of the the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines, 2009, and therefore I would not consider that overlooking is a significant issue.
- 11.2.3. In terms of concerns in relation to overshadowing I would note, as referred to above, the separation distances are adequate and furthermore the proposed development is located north of Wheatfields and west of The Monks housing development which would mitigate any significant overshadowing impacts. Overall I would consider that overshadowing is not likely to result in any significant issues.
- 11.2.4. The proposed development provides for boundary planting and having regard to this as a screening measure and the separation distances outlined above I would consider that the visual impacts of the proposed development will not have any adverse impacts on established residential amenities.

11.3. Development Management Standards

- 11.3.1. I would note that paragraph 3.3.7 of the Cork County Development Plan, 2014 – 2020, sets out guidance in relation to considering the quality of a proposed housing development. This guidance generally concurs with the national guidance on offer in the publication Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas, 2009.
- 11.3.2. Chapter 7 of the Sustainable Residential Developments in Urban Areas, 2009, sets out guidance in relation to daylight, sunlight and energy efficiency. I would consider having regard to the orientations of the proposed houses and their detached form that the proposed houses would be consistent with this guidance in relation to daylight, sunlight and energy efficiency. Chapter 7 of the Sustainable Residential Developments in Urban Areas, 2009, also sets out guidance in relation to privacy and security and in general it is advised that the proposed residential units shall have defensible spaces and two-storey houses shall have adequate set-back distances between opposing first floor windows, i.e. 22m between two-storey houses. The proposed development is consistent with the guidelines in this regard. The guidelines also advise that car parking provision should avoid a visual block whereby proposed car parking is largely confined to one area. Finally, the guidelines recommended private open space behind the rear building.
- 11.3.3. Overall I would consider that the proposed development is consistent with the advice in the guidelines.
- 11.3.4. Paragraph 3.4 of the Cork County Development Plan sets out guidance in relation to housing density. In relation to residential density I would note that in accordance with Table 3.1 'Settlement Density Guide' of the Cork County Development Plan, 2014 – 2020, that the appropriate density for the appeal site, given its location within Carrigaline, is in the region of minimum of 12 dwellings / ha to 20 dwellings / ha. The overall density for the proposed development is approximately 17 dwellings / ha. I

would consider based on the guidance available in Table 3.1 of the Cork County Development Plan that 17 dwellings / ha is an appropriate density for the proposed development given its location.

11.4. **Residential Amenities**

- 11.4.1. In terms of residential amenities for future occupants of the proposed houses I would note from the submitted plans, that proposed houses would provide generous private open space provision in the form of rear gardens and all rear gardens are south facing which is the optimum orientation for amenity.
- 11.4.2. The public open space provision for the proposed development is 18% of the site area which is a generous provision as paragraph 4.20 of the Sustainable Residential Development in Urban Areas Guidelines, 2009, recommends a minimum public open space provision of 15% for green-field sites. The proposed development is therefore in excess of this provision.
- 11.4.3. The floor area for Units Type A and Units Type B is 194 sq. metres respectively. This floor area is considered a generous floor area.
- 11.4.4. Overall the proposed houses would provide a good standard of residential amenity for future occupants.

11.5. **Traffic and Access**

- 11.5.1. The Area Engineer, in his report, concluded that the sightline provision is acceptable. However, the Area Engineer noted that the Mountain Road has inadequate footpath provision to serve the proposed development and there is inadequate public lighting provision and in addition the existing road surface is poor quality. The Area Engineer recommends a special development contribution to address these issues. It is also notable that the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017, has a policy objective for the upgrade of Mountain Road, i.e. policy objective

CL-U-07. I would recommend to the Board, should they favour granting permission that this condition is upheld in the interest of providing a good standard of development and infrastructure provision.

11.6. **Appropriate Assessment**

11.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an outer suburban and fully serviced location, no appropriate assessment issues arise.

11.7. **Other Issues**

11.7.1. The appellant requests that the Board invalidate the application and appeal for several reasons and these include applicant has insufficient legal interest and failure to inform third parties regarding an unsolicited information submission.

11.7.2. I would consider that the Board is primarily concerned with a de-nova planning assessment of the proposed development and would have no jurisdiction to decide on the planning process.

12.0 **Recommendation**

12.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan and the Local Area Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

13.0 **Reasons and Considerations**

Having regard to the appeal sites location within a designated Settlement Boundary and the sites zoning objective 'existing built-up area' in accordance with the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017, and the Sustainable Residential Development in Urban Areas – Guidelines for Planning

Authorities (2009), the pattern of development in the area and the overall scale, design and layout of the proposed development it is considered that, subject to compliance with the conditions set out below the proposed development would not seriously injure the amenities of property in 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. The development shall be carried out in accordance with the plans documents lodged with the application as amended by revised plans, particulars and further information received by the planning authority on the 30th June 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

3. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of roads, footpaths, open spaces, and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

4. Prior to commencement of development, proposals for development name, unit numbering scheme and associated signage shall be submitted to the planning authority for written agreement. The name(s) shall reflect the history or topography of the area.

Reason: In the interest of orderly development.

5. 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 and to ensure a proper standard of development.

6. Full details of the vehicular access to serve the proposed development shall be submitted for written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of traffic safety.

7. The internal road network, public footpaths within and outside the proposed development site, car parking provision, public lighting to service the proposed development shall comply with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

8. All existing services (electricity, telephone, etc) adjacent to and within the development shall run underground.

Reason: In the interest of visual amenities.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

10. Public lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

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

11. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

12. Prior to the commencement of development, the developer shall submit details of all boundary treatment for the agreement of the planning authority. This shall include boundaries between rear gardens and boundaries to the exterior of the site.

Reason: In the interest of residential privacy.

13. The areas shown as public open space on the lodged plans shall be reserved for such use and shall be soiled, seeded, levelled and landscaped in accordance with a detailed scheme, including a timetable for implementation, to be agreed with the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

14. Prior to the commencement of development, the developer shall submit a full and detailed construction management plan which shall include a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of truck wheel wash at the site entrances) and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the council. Details to be agreed in writing with the Planning Authority.

Reason: In the interest, proper planning and sustainable development of the area.

15. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the works.

Reason: To protect the amenities of the area.

16. Prior to the commencement of development, the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

17. Within eight weeks of the date of this order, the developer shall enter into an agreement with the planning authority under Section 96 of the Planning and Development Act, 2000 (as amended) in relation to the provision of social and affordable housing, in accordance with the requirements of the planning authority's housing strategy, unless, before the expiry of that period, the said developer shall have applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

18. Prior to the 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 of satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure satisfactory completion of development.

19. The developer shall pay the sum of €52,000 (fifty two thousand euro) to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works proposed to be carried out for the upgrade of Mountain Road that will benefit the proposed development. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

20. 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.

Kenneth Moloney
Planning Inspector

28th November 2017