



An
Bord
Pleanála

Inspector's Report ABP 302289-18

Development	6 dwellings
Location	Off Clyda Court, Quarters town Lower, Mallow, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/6722
Applicant	DNR Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	1. Jonathan & Mandy Green 2. Jerry & Breda Walsh
Observers	R & M Keogh
Date of Site Inspection	20/12/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.218 hectares, is within Quartertown Lower c. 1.5 km to the south-west of Mallow town centre. It is accessed via a cul-de-sac (Clyda Court) off the R619 just within the 50kph speed limit of the town and to the east of the intersection of the regional road and Lower Duhallow Park Road. The cul-de-sac serves 5 no. dormer, detached dwellings.

The site, which is roughly rectangular in shape, is accessed via a gate at the end of the cul-de-sac. Site falls are generally from east to west towards the Quartertown Stream which bounds the site. A track along the eastern site boundary provides access to the vacant two storey dwelling known as Quartertown House(also referred to as Mill House) and associated mill buildings which bounds the site to the south. The site is fenced off. The eastern site boundary is delineated by trees and a hedgerow. No.5 Clyda Court backs onto the north-western corner with its rear boundary delineated by a 1.8 – 2 metre high block wall. A further dwelling sides onto the site in the north-eastern corner.

The general area is characterised by a mix of residential and commercial uses with the IDA Business and Technology Park to the south-east. The R619 in the vicinity of the site has footpaths and street lighting to both sides.

2.0 Proposed Development

The application was lodged with the planning authority on the 20/10/17 with further plans and details received 09/02/18 and 18/05/18 following a request for further information dated 13/12/17 and clarification of further information dated 07/03/18. Revised notices were submitted 18/06/18.

As amended the proposal entails the construction of 5 no. 3 bedroom terraced and 1 no. 3 bedroom detached two storey dwellings with access via Clyda Court. External finishes are to be a mix of smooth plaster and brick with ridge heights of 8.9 metres.

The dwellings are to have a north-south orientation with open space including a neighbourhood play area to be provided along the southern boundary. The dwellings are to be served by grouped parking.

The boundary wall to the dwelling to the north is to be increased to 2.2 metres with the boundary to the Mill House and associated buildings to be delineated by planting.

A letter of consent from the adjoining landowner to the east allowing access for construction vehicles via her lands through the IDA Business Park to the east received 05/12/17.

The application is accompanied by:

- Planning Statement
- Architectural Design Statement
- Infrastructure Report
- Flood Risk Assessment
- Archaeological Assessment
- Landscape Treatment Report
- AA – Screening Report

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 54 conditions including:

Condition 5: Riparian zone along the Quartertown stream to be managed in accordance with Landscape Treatment Report submitted 18/05/18.

Condition 38: entrance from the R519 to be resurfaced for a distance of 10 metres from the roads edge.

Condition 13: Site development and building works hours between 0800 and 1800 Monday to Friday and 0800 and 1400 Saturday.

Condition 43: Construction traffic via the IDA Business Park entrance shall comply with the hours of operation for that business park. No construction traffic allowed via Clyda Court.

Condition 49: Materials specification for the dwellings including prohibition of white uPVC.

Condition 52: Archaeological monitoring.

Condition 54: €12,000 special contribution towards works proposed to be carried out to Mallow bridge.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The *1st Executive Planner's* report dated 13/12/17 notes the contents of the technical reports and reports from the prescribed bodies summarised below. It is considered that a varied design approach can be accommodated in the context of Clyda Court. Given the proximity and relationship to same the height differential should be revised. The overall layout should be revised to improve the quality of public open space. The proposed boundary walls should be revised to soften the scheme. The boundary to Mill House should be replaced with planting. Further information recommended. The *2nd report* dated 07/03/18 following FI notes the reduction in private open space serving the dwellings which requires reassessment. There are concerns about integration of the scheme. Issues of access for construction traffic via the private access needs to be addressed. The buffer to the stream needs to be increased. Clarification of FI recommended. The *3rd report* dated 20/07/18 following clarification of FI notes that the revised layout allows the proposed public open space to form a visual buffer between the proposal and Mill House. On balance it is considered that there would not be a significant adverse impact on the amenity of the existing dwellings to the north. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Conservation Officer in a report dated 13/12/17 considers that the fundamental issue is that the proposal is being treated as a suburban development as opposed to a development within the curtilage of a historic complex. There is no active contextual relationship in terms of layout and design between the new development and the existing mill complex. Further information recommended on site layout and design relative to the protected structure. The *2nd report* dated 05/03/18 considers that the issues arising have not been addressed and recommends clarification of further information. The *3rd report* dated 17/07/18 following the clarification of FI considers

the revised layout gives greater consideration to positioning within the site and has an interface with Mill House which is more favourable. The view of Mill House from Clyda Court will be altered. On balance this is a minor alteration. Of greater significance is the relationship between the new development and Mill House. The house design is generally acceptable. No objection subject to conditions.

The *Area Engineer's* report dated 08/12/17 recommends further information in relation to the adequacy of the access, surface water, protection of adjacent flood protection measures, internal access and open space arrangements, details on the attenuation tank and submission of construction management plan. A further *email* dated 11/12/17 notes that the required sight distances will be 60 metres with an offset of 2.5 metres. The applicant should be cognisant of the proximity of the nearby junction to the west. The 3rd report dated 06/03/18 following FI considers the sightlines shown to be acceptable. The addition of 6 units would have little impact in the volume of traffic on the R619. It is recommended that prior to undertaking the junction markings that the entrance be resurfaced 10 metres back from the roads edge. Given the site location commuting traffic will have a significant impact on the Clockhouse junction and Mallow Bridge Areas. A special contribution towards the costs of the proposed improvement works is considered appropriate. No objection subject to conditions. The 4th report dated 11/06/18 following clarification of FI refers to the previous report.

Estates report dated 07/12/17 considers that the proposal will add to an existing estate which is poorly laid out and requires substantial improvement before any development is added to it. The road layout is poor and, in particular, the entrance must be upgraded to comply with the Traffic Management Guidelines 2000. Further information recommended. The 2nd report dated 06/04/18 states that there is no objection subject to conditions.

Water Services in a report dated 15/11/17 notes that connection is possible.

Public Lighting Reports dated 16/11/17, 20/02/18, 24/05/18 & 04/07/18 detail conditions should permission be granted.

The 1st *Ecologist* report dated 06/03/18 expresses concerns about the lack of buffer between the stream and its associated riparian vegetation and the development. Clarification sought. The 2nd report dated 12/06/18 following clarification of FI notes

the buffer to be retained to the stream to the west. The proposal is generally acceptable although it would be desirable if a more generous buffer of 5m minimum could be achieved. Condition required that the buffer would be managed in accordance with the Landscape Treatment Report.

Heritage Unit in a report dated 12/12/17 recommends further information indicating the location of the water protection measures proposed in the draft Construction and Environmental Management Plan.

3.3. **Prescribed Bodies**

Irish Water in a report dated 22/11/17 has no objection subject to conditions.

Inland Fisheries Ireland in a report dated 06/12/17 has no objection subject to conditions.

3.4. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeals and observations received and summarised in section 6 below.

4.0 **Planning History**

PL04.213984 (05/55019) – permission refused for 14 no. apartments in 2 no. 3 storey buildings on grounds of overdevelopment, adverse impacts on residential amenity and character and setting of the protected structure and traffic hazard.

5.0 **Policy Context**

5.1. **Development Plan**

Since the lodgement of the application with the Planning Authority the Kanturk Mallow Municipal District Local Area Plan has been adopted. As noted therein the Mallow Town Development Plan will continue as the relevant development plan until the adoption of the next Cork County Development Plan in 2020.

Mallow Town Development Plan, 2010

The site is within an area zoned 'Established Residential'. The objective is to provide for primarily residential development and other activities incidental to residential use.

Objective H2 – promote the concept of a 'compact town' by encouraging appropriate residential development on suitably zoned lands throughout the Plan area in conjunction with available infrastructure.

Objective H3 – seek to make the most efficient use of land by applying appropriate residential densities.

Policy H1-2 – proposals for new residential development in established built up residential areas shall be permitted where it is demonstrated that the proposal would not be detrimental to the residential amenity or character of that residential area.

Quartern House to the south of the site is a protected structure (reg. no. 138)

Policy EH4-2 – proposals for development involving alterations or additions to a protected structure or its setting shall only be permitted where it can clearly be demonstrated that:

- (a) Development will be compatible with and will not detract from the special character of the structure and/or its setting;
- (b) Development will complement and reflect the design and character of contiguous buildings and the surrounding area.

Policy EH4-3 – proposals for development shall not be permitted that compromise the setting of the protected structure or result in the material alteration of the structures save in certain exceptional circumstances.

Policy EH4-4 – development proposals on sites contiguous with a protected structure shall only be permitted where it can be clearly demonstrated that the development has no adverse impact on the character or integrity of the protected structure, or views to and from it.

The site is within a zone of Archaeological Potential associated with the mill complex.

Section 15 details the development management standards for residential development.

5.2. **Natural Heritage Designations**

Blackwater River (Cork/Waterford) SAC (site code 002170) c. 450 metres to the north.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

3rd Party Appeals have been received from:

1. Jonathan & Mandy Green
2. Jerry & Breda Walsh

The submissions can be summarised as follows:

- The proposal would result in a traffic hazard. The entrance and access road are substandard. It cannot accommodate two way vehicular movements. The regional road has a high volume of HGV traffic. The entrance is close to the Quartertown Industrial estate.
- The traffic assessment does not take into account the inevitable refurbishment of the 12 apartments in the Mill buildings. These will add to the congestion.
- The proposal represents over development. In view of the location relative to public transport and the town centre there is no justification for the proposed density.
- The house design is not in keeping with the design of existing properties and does not suit its setting. The height does not sit well in proximity to the lower dormer dwellings.
- The proposal would have an adverse impact on the amenities of the adjoining properties arising from loss of privacy, loss of light, noise and visual impact

- Clyda Court has problems with drainage and sewage. There are regular overflowing and flooding events. The proposal will exacerbate these problems.
- The dwellings would be too close to the Mill buildings and would detract from same. The layout as granted permission would obscure views of the buildings.
- The sheds and buildings at Mill House are used by a pigeon club on a daily basis. These vehicular movements have not been accounted for.

6.2. Applicant Response

The submission from Butler O'Neill Total Planning Solutions on behalf of the applicant summarises the assessment of the proposal by the planning authority and the amendments to the layout and design to address the issues arising in the requests for further information and clarification of further information. The submission can be summarised as follows:

- The applicant does not have a preference for any of the proposed layouts and design put forward to the local authority for consideration.
- There is in the region of a 20 to 22.1 metre separation between the proposed dwellings and the dwellings in Clyda Court. Overlooking would not arise. The rear gardens are long enough to avoid any impact on natural light. A condition as to the trees to be planted along the boundary is acceptable.
- A buffer of between 2.5 and 3.7 metres is to be maintained to the stream with a soft boundary proposed. A 1.2 metre high metal safety railing along the river edge could be inserted.
- The revised design provides an appropriate setting for the protected structure.
- The proposal will form an attractive vista from the main road across the river.
- The public open space was considered imperative in the design of the scheme. At 21% the provision is well in excess of development plan requirements.

- The scheme as permitted will impact on views of the Mill House and buildings from the appellants' properties.
- The scheme will allow for turning and vehicular manoeuvres in accordance with development plan and DMURS requirements.
- 16 additional vehicular movements per day is negligible.
- Any proposals for the Mill Building will require planning permission

6.3. **Planning Authority Response**

The submissions (2 no.) note that the recommendation to grant permission was informed by the assessments of the internal reports and the submissions received. The revised scheme is a response to the various issues raised having regard to the location of the site adjoining an existing residential scheme within Mallow town while balancing conservation considerations.

6.4. **Observations**

The observation by R. & M. Keogh which is accompanied by supporting documentation can be summarised as follows:

- The entrance and access are substandard.
- The 12 apartments in the Mill building would exacerbate traffic issues.
- There are limitations to the proposed directing of construction traffic through the IDA Business Park.
- The layout will close off views of Mill House and associated buildings.
- There will be an adverse impact on amenities of adjoining property by reason of overshadowing and loss of privacy.
- Surface water issues remain unresolved.
- The revised public notices were inaccurate.

6.5. Section 131 Notice

In view of the site's location relative to a protected structure and an SAC certain prescribed bodies were invited to make a submission. No responses received.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Principle of Development
- Suitability of Design and setting of Protected Structure
- Amenities of Adjoining Property
- Access and Traffic
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of Development

As noted above this constitutes the 2nd appeal for a residential development on the subject site with permission refused in 2006 under ref. no. PL04.213984 (05/55019) for 14 no. apartments in 2 no. 3 storey buildings on grounds of overdevelopment, adverse impacts on residential amenity and character and setting of the protected structure and traffic hazard. Since the said decision the zoning for the lands has changed from industrial to established residential as per the 2010 Mallow County Development Plan (which continues to apply). This zoning objective is considered reasonable and the proposed development for 6 no. dwellings accords with same.

The proposal for 6 no. dwellings on a site with a stated area of 0.218 equates to a density of approx. 28 units per hectare and is in accordance with the indicative density parameters detailed for the town of Mallow as set out in Table 3.1 of the Cork County Development Plan, namely 'Medium A' density of between 20-50 units. Notwithstanding, due cognisance must be taken of the site constraints, specifically its proximity to Quartertown House and Mill Complex which are protected structures and recorded monuments respectively, and the pattern of residential development in

the vicinity. There is a need to attain a balance between the reasonable protection of the amenities and privacy of adjoining dwellings and to provide for additional residential development.

7.2. Suitability of Design and setting of Protected Structure

Quartertown House which is a protected structure is a two storey Georgian building that fronts onto the appeal site. It is currently vacant and in a somewhat deteriorating condition. It has been previously modified. Adjacent is the associated 5 storey mill building which is a recorded archaeological monument (ref. CO033-055). Mesh fencing currently delineates the shared boundary between the sites.

The development as originally proposed comprises of 6 no. two storey semi-detached dwellings perpendicular to both the Mill buildings and No.5 Clyda Court to the north. The dwellings back onto the stream. This arrangement was retained in the revised scheme submitted by way of further information but with a modified house design reducing the ridge height to below that of the dwellings on Clyda Court. This was in response to the planning authority's opinion that the layout and design was not optimal in terms of its setting and context in proximity to the protected structure. Subsequent to the planning authority's view that the modifications as made were unacceptable, a materially altered layout and design was submitted by way of clarification of further information. This provides for 5 no. terraced dwellings backing onto No. 5 Clyda Court with orientation towards Quartertown House and Mill Complex with 1 no. detached dwelling acting as a 'gate lodge' to the protected structure. The dwellings have a contemporary architectural idiom. They are to be served by grouped parking located near the entrance to the scheme and thus would not impinge on the central open space. The layout and landscaping of this open space will be of particular importance in this regard as it acts as a visual buffer between the proposed development and Mill House. An 'orchard' with a courtyard garden and play area are proposed. I also note that due consideration has been given to the boundary treatment with boundary walls to be of natural stone and soft landscaping options to be pursued to the boundary with Quartertown House to the south and the stream to the west. A landscape treatment plan for the riparian zone was submitted by way of clarification of further information.

I would concur with the planning authority that the scheme as revised by way of clarification of further information provides for the best arrangement in terms of the protecting the setting and context of the protected structures and therefor is in accordance with the current Town Development Plan policies EH4-2 to EH4-4 which seeks to ensure that development is compatible with and would not detract from the setting of the protected structure or have an adverse impact on its character and integrity.

I would concur with the Conservation Officer's reservations about the suitability of the palette of external finishes as delineated on the plans but I consider that this could be satisfactorily addressed by way of condition.

7.3. Amenities of Adjoining Property

Invariably the revised layout which now proposes 5 no. dwellings backing onto Clyda Court rather than perpendicular to same has caused concern for the affected residents.

Whilst the dwellings in Clyda Court bounding the site to the north are dormer in design this should not solely dictate the house design in the scheme. I submit that due cognisance should also be had to the scale and massing of the protected structure and recorded monuments to the south. On this basis I submit that the incorporation of a two storey house design, in itself, is not problematic and allows for a stepping up in scale from the existing dormer dwellings. I also note that such a juxtaposition of dormer and two storey dwellings is not an unusual occurrence within residential areas. The dwellings are to have a height of 8.9 metres which would be approx. 1.5 metres higher than the dormer dwellings which have a ridge height of in the region of 7.5 metres. This differential is not considered material and in this regard I refer the Board to section drawing no. 1566-FI2_K.

The dwellings are to have rear gardens of between 13 and 18 metres in length thereby maintaining a separation distance of between 20.5 and 23.5 metres between the rear walls of the proposed dwellings and that of the dormer dwelling to the north. The existing boundary wall is to be raised to 2.2 metres in height. Certainly, whilst the aspect of the appellant's property will be altered materially this must be assessed in the context of the established residential zoning for the site and the need to ensure the efficient and appropriate development of such serviced lands. I do not

consider that its amenities in terms of overlooking, privacy and light would be adversely impacted upon as to justify a refusal of permission.

In terms of the proposed detached dwelling at the entrance to the scheme any overlooking of properties to the north is tempered by the public realm in-between (road and footpaths) with issues of overlooking or loss of privacy not considered to be of material concern although further boundary treatment in the north-east corner would provide for a better level of screening to the amenity space to the side of the No.4 Clyda Court.

On balance I consider that the proposal would not detract from the character of the area, would not adversely affect the neighbouring residential amenities, is respectful of the existing built fabric and heights with an appropriate density whilst providing for adequate amenity for prospective occupants.

7.4. Access and Parking

Access is proposed via Clyda Court onto regional road R619. Whilst the public road is noted to be well trafficked the site is within the town's speed limit. Sight lines of 60 metres (setback 2.5 metres from the edge of the main road) in each direction are available and are delineated on drawing no. 17045-GA-105. The upgrading of the road markings to incorporate a stopping area is proposed. I consider that the additional vehicular movements that would be generated by the 6 dwellings can be accommodated without giving rise to concerns in terms of capacity of the road network or vehicular or pedestrian safety.

Construction traffic is to be directed through the IDA Business Park access road via 3rd party lands so as to avoid access through Clyda Court. Consent has been secured from the relevant landowner who has a legal right of way through the Business Park. This Business Park is gated with stated opening and closing hours. All construction will therefore be dictated by same. This arrangement is acceptable. A Traffic Management Plan (Appendix E of Infrastructure Report) accompanies the application and references the requirements in terms of works along Clyda Court to allow for connection to site services. Should the Board be disposed to a favourable decision a condition precluding construction traffic via Clyda Court save for that required to allow connection to services should be attached in the interests of clarity.

The appellants are concerned that Quartertown House may be refurbished and that the additional vehicular movements from the 12 apartments therein would further exacerbate issues of access. Whilst the works previously carried out to the protected structure would suggest that it may have been converted into multiple units I am not aware of any permission related to same. I submit that the issue of adequacy of access and cumulative impact of development would be assessed should the building be brought into/back into such multiple unit use.

7.5. Other Issues

The application is accompanied by a Flood Risk Assessment in which it is determined that the site is located outside of the areas identified as being susceptible to flooding and falls within Flood Zone C. As amended the dwellings are to be set back from the stream with sufficient evidence provided that the proposed development would not impact on existing flood protection measures including the earth bunds of the stream. I am satisfied that sufficient detail has been provided to support the assertion that the proposed development would not be at risk or give rise to flooding.

In terms of site services it is proposed to connect to existing services within the existing Clyda Court estate. The storm sewer is by gravity to an attenuation tank which will discharge via flow control devised to the existing 150mm storm sewer. The proposed surface water system is designed to attenuate to green field runoff controlled by a hydrobrake to be discharge at a rate of 5.21l/hectares in accordance with SUDS.

I note that the planning authority has attached a condition requiring a special contribution towards works at Mallow Bridge (condition 54). The bridge is to the south of Mallow town centre on the R620. The reasoning as set out in the Area Engineer's report on file is noted. This condition has not been appealed by the applicant. The works would not be specific to the current scheme and whilst exceptional in their own right will benefit the wider community within the town. I consider that such financial requirement would be better incorporated into the general contribution scheme and adopted in accordance with the procedures set out in Section 48 of the Act. I note that the Board did not attach such a condition in file refs. ABP 301429-18 and ABP 301221-18.

Part V requirements are not applicable to the site. An exemption certificate accompanies the application.

7.6. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development within the development boundary of Mallow on residentially zoned and serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment

The application is accompanied by an AA-Screening Report.

Project Description and Site Characteristics

The site location and proposed development are as described in sections 1 and 2 above.

Relevant Natura 200 Sites, Qualifying Interests and Conservation Objectives

Blackwater River (Cork/Waterford) SAC (site code 002170) c. 450 metres to the north.

The qualifying interests include coastal habitat, Old sessile oak woods, Alluvial forests, Freshwater Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Salmon, Otter and Killarney Fern.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Assessment of Likely Effects

As the site is not within a designated site no direct impacts will arise.

The Quartertown Stream which bounds the site to the west connects to the Blackwater River c.450 metres to the north. As a consequence there is potential for indirect effects from emissions during the construction and operational phases.

There is the potential for discharge to the adjoining stream during the construction stage but best practice construction management methods which are considered an

integral part of the development to protect against spillages and which are detailed in the draft Environmental, Construction and Waste Management Plan that accompanies the application are proposed, I would concur with the conclusions of the Screening report submitted that no indirect impacts are envisaged.

In terms of the operational phase the site to connect to existing services in Clyda Court. The storm sewer is by gravity to an attenuation tank which will discharge via flow control devised to the existing 150mm storm sewer. The proposed surface water system is designed to attenuate to green field runoff controlled by a hydrobrake to be discharged at a rate of 5.21l/hectares in accordance with SUDS. The site is to connect to the foul sewer. The Mallow WWTP has sufficient capacity to accommodate the additional loading arising from the proposed development.

In terms of cumulative impacts I have regard to the suburban location of the site on serviced, zoned lands. I am not aware of any large planned or permitted development in the vicinity. The proposed development therefore is not considered to result in cumulative effects.

Screening Statement and Conclusions

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Blackwater River (Cork/Waterford) SAC (site code 002170) in view of the site's Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the established residential zoning objective for the site as set out in the Mallow Town Development Plan 2010, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of residential property, would not adversely impact on the setting and character of either Quartertown House which is a protected structure and the Mill Complex which is a recorded monument 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.

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 to the planning authority on the 9th day of February 2018 and 18th day of May 2018, 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. Details of the materials, colours and texture 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.

Reason: In the interest of visual amenity.

3. 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.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the details standards of the planning authority for such road works.

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

5. The entrance to the proposed development from the R619 shall be resurfaced for a distance of 10 metres from the road edge and the road markings shall be carried out in accordance with detailed standards of the planning authority for such works prior to the occupation of any dwelling.

Reason: In the interest of road and public safety

6. 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 interest of amenity and public safety.

7. 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 interest of visual and residential amenity.

8.
 - (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on the 18th May 2018.
 - (b) Revised plans delineating the proposed boundary wall treatment in the north-eastern corner of the site shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual and residential amenity

9. Proposals for an estate/street name, housing 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. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 18th day of May 2018. Additional screen planting shall be provided in the north-east corner of the site. 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.

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

11. The riparian zone along the Quartertown Stream bounding the site to the west shall be managed in accordance with the Landscape Treatment Report submitted to the planning authority on the 18th day of May 2018.

Reason: In order to ensure the satisfactory protection of the riparian zone.

12. 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 within each house plot 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.

13. All construction traffic shall be via lands to the east of the site and shall not be via Clyda Court at any time.

Reason: In the interest of protecting the residential amenities of existing property

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. A final, detailed, site specific Construction and Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority at least five weeks in advance of site clearance and site works commencing.

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be

referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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 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.

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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2019