



An
Bord
Pleanála

Inspector's Report ABP 306555-20

Development	5 dwellings, vehicular entrance and associated works.
Location	Reenrou East, Bantry, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/284
Applicants	Ann, Richard & Tim Deasy
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Jasper & Angela Young & Others
Observers	1. Thomas Edgeworth 2. Reenrou East Residents Assoc.
Date of Site Inspection	27/04/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.314 hectares, is c. 700 metres to the north of Bantry town centre. The site is roughly rectangular in shape and is at the end of a cul-de-sac within the mature Reenrour East housing estate which comprises a mix of semi-detached and terraced dwelling units. The estate itself is accessed from Cove Road off the N71 via Old Barrack Road to the south and Famer's Lane and George's Row to the south-east. The site falls steeply from west to east. Mature trees and shrubs delineate the boundary to the cul-de-sac and to the side of No.106. A field entrance has been developed off same. The lands to the north-west of the site accessed via the Reenrour East estate is laid out in allotments.

A narrow laneway known as the Old Barrack Road forms the eastern boundary separating the site from the dwellings which front onto the N71 to the east. A number of the dwellings have rear access from the lane. The site boundary to the laneway is delineated by a high mature hedgerow. The lands to the south are undeveloped with No.14 Reenrour East to the south-west corner. The southern boundary is delineated by mature trees. A detached dwelling bounds the site to the north from which access to the site via a gated field entrance is available. Again, the boundary is delineated by mature trees.

2.0 Proposed Development

The application was lodged with the planning authority on **01/05/19** with unsolicited information submitted 20/06/19 and 01/10/19. Further plans and details were submitted **20/09/19** and **22/11/19** following requests for further information and clarification of further information dated 21/06/19 and 22/10/19 respectively.

Revised public notices were submitted 26/09/19 and 29/11/19 following requests for same dated 24/09/19 and 22/11/19.

As amended, the proposal entails 5 no. 2 bedroom single storey dwellings served by a new vehicular access from Reenrour East housing estate. The dwelling units are proposed to serve the residential needs of older persons and are ranged in size between 65.6 sq.m. to 68.7 sq.m.

The dwellings are to be served by grouped car parking and refuse storage.

Due to the steep site falls the eastern portion of the site is to be filled with a 4 metre high embankment with a safety barrier proposed.

A 4.2 metre strip of land is to be reserved along the eastern boundary to Old Barrack Road in accordance with West Cork Municipal District LAP objective BT U-03.

The foul sewage will discharge to the existing sewer within the Reenrour East estate by way of a pumping station with allowance made for connection into any future foul sewer in the proposed relief road along the route of Old Barrack Road.

Connection to the storm sewer on the N71 via the local road to the east is proposed.

The application is accompanied by:

- Waste Management Report
- Services and Infrastructure Report
- Irish Water Pre-Connection Enquiry Correspondence
- Report on Trees
- Lighting and Power Specification
- Outdoor Lighting Report
- Road Survey
- Construction Management Plan

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 32 conditions including:

Condition 2: Construction Management Plan to be submitted prior to commencement of development on site.

Condition 3: 4.2 metre strip adjoining the Old Barrack Road as indicated on revised site layout plan shall be reserved for the purpose of the road widening in line with objective BT-U-03 of the LAP – proposed relief road.

Condition 11: Up to date road condition survey to be submitted prior to commencement of development.

Condition 17: Any damage caused to public roads by construction traffic to be made good by the Council at the developer's expense.

Condition 19: Storm attenuation measures to be incorporated into the proposed storm water system, details of same to be submitted prior to commencement of development.

Condition 20: Details of retaining walls to be submitted.

Condition 32: Special financial contribution of €9,445 towards works proposed to be carried out for the provision of the Relief Road provided for in the LAP objective BT-U-03.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The *1st Executive Planner's* report dated 21/06/19 considers the principle of the development to be acceptable. Concerns over the condition of the road, congestion and absence of parking may be overstated. The single storey dwellings would have a limited impact on the residential or visual amenities of the area. A report on trees to be retained and site landscaping is a prerequisite. A request for further information on issues raised in the technical reports summarised below recommended. The recommendation is endorsed by the *Senior Executive Planner* in a report dated 21/06/19.

The *2nd Executive Planner's* report dated 22/10/19 following further information considers that a special financial contribution towards road repairs is a proportionate response. A Construction Management Plan is required. Surface water disposal proposals are problematic and require resolution prior to any grant of permission. Clarification of further information recommended.

The *3rd Executive Planner's* report dated 20/12/19 notes discrepancies in the Construction Management Plan. Refusal on the basis of inadequacy of the plan is not possible. A condition addressing same required. It is a difficult site to develop and there would be inevitable short term disruption during the construction phase.

The proposal would assist in the achievement of the target population for the town of Bantry as set out in objection BT-GO-10 in the LAP. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

The *1st report* from *Estates Section* dated 31/05/19 states that the layout of the extended estate road is acceptable in principle but no effort has been made to provide continuity between the existing estate road/footpath and the proposed estate and amendments to the layout are required to address same. It is considered that the location of the site with the extremely steep terrain will make it difficult to develop. Details on volume of fill, surface water drainage and boundary treatment to top of embankment required. A request for further information recommended. The *2nd report (titled Engineering Report)* dated 26/09/19 considers the site unsuitable for development due to the steep slope. The volume of fill material that will have to be imported into the site resulting in significant HGV traffic through the existing estate will have a detrimental impact on the estate road which is already in a poor state of repair. It is the only practical access available. It is considered that directing surface water to a soakaway in close proximity and above existing residential properties poses a pluvial flood risk in the event of failure of the soakaway. A refusal of permission recommended. The *3rd report* dated 29/11/19 following clarification of further information considers the connection to the existing surface water sewer on the N71 to be acceptable. There are still concerns regarding the impact of the site development works on the existing housing estate. Due to the large retaining structure there would be little amenity space of value to residents. Should permission be granted a schedule of conditions is recommended,

Environment Reports dated 17/06/19, 02/10/19 and 02/12/19 have no objection subject to a condition.

The *1st Area Engineer's* report dated 17/06/19 requires revision to the road geometry at the interface between the proposed works and the existing road/footpath as they do not match. There is a current objective to widen The Old Barrack Road (Bantry Relief Road). The applicant shall reserve a 4.2 metre strip of land parallel to The Old Barrack Road. A request for further information recommended. The *2nd report* dated 09/10/19 following further information recommends clarification regarding use of the

Old Barrack Road during the construction phase and need to prepare a Construction Management Plan. If the residents' concerns can be alleviated by way of a schedule of HGV activity maybe the quid pro quo is a special contribution for repair works to the estate roads. The 3rd report dated 03/12/19 following clarification of further information notes a number of inconsistencies and irregularities in the Construction Management Plan and requires clarification of same. A 4th report dated 20/12/19 details a schedule of conditions should permission be granted

Public Lighting Report dated 26/09/19 has no objection subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland has no observations.

Irish Water recommends further information requiring the applicant to apply for a pre-connection enquiry. Further correspondence dated 27/09/19 following further information notes that the applicant has been issued with a confirmation of feasibility. It cannot guarantee a flow rate to meet the applicant's fire flow requirements.

3.4. Third Party Observations

Objections to the proposal 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 appeal and observations received as summarised in section 6 below.

4.0 Planning History

As per the details provided in the Council Planner's report, I note the following:

PL88.230714 (08/1172) – permission refused for road widening from 3.8 metres to 6.5 metres for a length of 118 metres along the Old Barrack Road that runs parallel to the N71.

PL88.234419 (09/232) permission refused for 22 dwellings on a site c. 110 metres to the south-west of the appeal site.

19/191 – incomplete application for 5 dwellings on the site.

5.0 Policy Context

5.1. Development Plan

West Cork Municipal District Local Area Plan, 2017

The site is within the development boundary of Bantry within an area designated as Existing Built Up Area.

Utilities Objective BT-U-03 – upgrading of existing road (Old Barrack Road) to a proposed relief road.

5.2. Natural Heritage Designations

None in the vicinity.

5.3. Environmental Impact Assessment

In view of the nature, scale and extent of the development 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.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Harrington & Co. Solicitors on behalf of the 3rd party appellants can be summarised as follows:

- The existing roads and infrastructure serving the development are inadequate. The roads are congested, narrow with poor vertical and horizontal alignment with no footpaths in many places. The area is also deficient in terms of public lighting and cycling facilities. The proposal would have a detrimental impact on same. The Council's Estates Engineer acknowledges that the existing estate road is in a poor state of repair. This was not addressed by either the Planning Authority or the applicant.

- Pedestrian and traffic safety are current pressures in the estate. On-street parking is prevalent. The allotment, accessed via the estate, will generate a significant volume of traffic and footfall.
- The estate operates as a link to the Beicin/Cove Walkway which is used by walkers and cyclists.
- The proposal has failed to have any regard to the provision of suitable pedestrian and cycling facilities.
- A Traffic Impact Assessment has not been prepared.
- The previous Board decision to refuse permission for 22 dwellings on lands to the south under ref. PL88.234419 on the basis of the existing deficiencies of the local road network should be considered. A refusal until such time as an appropriate overview of the area has been undertaken in respect of the proposal and other future development is recommended.
- In terms of the reservation of a strip adjacent to the Old Barrack Road to facilitate objective BT-U-03 of the LAP the Board's decision on appeal ref. PL88.230714 pertaining to same is pertinent. It is likely that the objective will never be realised.
- There are no other objectives in the LAP to address the road/pedestrian deficiencies in the area or improvements to link the area to the town centre.
- The proposal would have an adverse impact on the amenities of residents in the estate.
- Due to the site constraints and need for extensive fill the proposal would have an adverse impact on amenities of adjoining property. The reservation of a strip of ground adjacent to Old Barrack Road and the need to construct a retaining wall will reduce the usable amenity area for residents.
- The field access to the land from the estate is a recent development.
- The issues of residential amenity and traffic safety are of paramount importance and issues arising during the construction phase should be addressed prior to any grant of permission. A condition requiring a Construction Management Plan is inappropriate.

6.2. Applicant Response

The submission by CroCon Engineers on behalf of the applicants can be summarised as follows:

- The existing road condition was noted during the Condition Survey undertaken. Condition 11 requires an up to date survey to be carried out prior to commencement of development to allow for the evaluation of any deterioration of the existing road condition during construction activities.
- It is envisaged that the road surface in the estate would be upgraded by the local authority in due course.
- The proposal can provide for adequate parking. A vehicle turning head will provide for a safe turning area. It would give rise to negligible increase in traffic volumes.
- The proposal is modest and would enhance the amenity of the area.
- No access is proposed to the Old Barrack Road.
- The proposal has been designed with the site topography in mind. Areas of cut and fill are minimised to reduce the extent of ground works and transport of material in so far as practicable.
- As the dwellings are to be marketed for older persons it would be desirable to locate such a development in close proximity to an existing residential community.
- The proposed single storey dwellings will be at a lower level than the neighbouring houses with engineered fill used to avoid the need for concrete retaining walls and landscaping separating the properties.
- A Construction Management Plan was prepared as part of the application.

6.3. Planning Authority Response

The submission can be summarised as follows:

- In view of the anticipated occupants of the dwellings car ownership is expected to be low.

- The additional vehicular movements from the 5 no. dwellings would be small relative to the existing estate comprising of 108+ units.
- Conditions 11 and 17 require an up to date road condition survey and any damage during the construction phase to be rectified at the developer's expense. Should the Board consider it appropriate it could attach a bond or a special contribution to cover the cost of any repairs to the estate road.
- The road network in the area developed organically. Objective BT-U-03 of the LAP for a relief road will go some way to remedying the stated deficiencies and which will assist in relieving congestion along Old Barrack Road westwards towards the town centre allowing for the provision of the additional facilities for pedestrians and cyclists.
- The proposal will not have an adverse impact on the Beicin Walk and its users.
- The proposal is below the threshold for a Road Safety Audit or Traffic Impact Assessment.
- Traffic during construction will be monitored and reviewed in accordance with the conditioned Traffic Management Plan.
- There is a material difference between prospective housing developments BT-R-06, BT-R-08 and the current proposal. The traffic that would be generated would be completely different.
- There are no permanent constraints to the realisation of the road project subject of LAP objective BT-U-03.
- The structural support to the embankment at the boundary of the 4.2 metre strip is a matter for the Roads Authority and will be addressed at the appropriate time.

6.4. Observations

Observations received by:

1. Thomas Edgeworth (submission on his behalf made by Harrington & Co. Solicitors)
2. Reenrou East Residents Association

The submissions can be summarised as follows:

- The appellants' grounds of appeal are fully supported.
- The estate roads and footpaths have deteriorated in the absence of local authority funding.
- It is the norm for there to be 2 and 3 vehicles per household.
- Provision of safe playing, cycling and pedestrian facilities for children within the estate is impossible.
- There are serious reservations about the Construction Management Plan.

7.0 Assessment

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

- Principle of Development
- Access and Traffic
- Residential Amenities
- Other Issues
- Appropriate Assessment

7.1. Principle of Development

As per the current LAP the site is within the development boundary of the town of Bantry. The plan does not set out zoning provisions per se but requires that development within the boundary complement and be consistent with the existing development in the vicinity. In the context of the site's location immediately adjoining

the mature residential estate of Reenrou Estate I consider that it is suitable for development for housing purposes.

As per the details accompanying the application the dwelling units are intended for occupancy by older persons with the units varying in size between 65.6 sq.m. to 68.7 sq.m. Whilst there are a number of smaller units within the Reenrou Estate it largely provides for what are traditionally considered to be family sized dwellings. In this regard the proposal will assist somewhat in increasing the diversity in the housing stock which will generally accord with prevailing policy to provide for a mix of dwelling types and sizes to meet varying housing needs.

Notwithstanding, the acceptability or otherwise of the scheme will be predicated on other planning and environmental considerations being met, including the protection of amenities of adjoining property which I will assess in further detail below.

7.2. Access and Traffic

Access to the development is proposed via a new entrance from Reenrou East housing estate to the west which, in the vicinity of the site, is a cul-de-sac of terraced two storey dwellings. Both vehicular movements and speeds are low along same with on-street parking noted to be prevalent. There are allotments to the north-west of the site which serve a catchment area greater than the estate. Access to the estate is from Cove Road which is narrow and without the benefit of continuous footpaths. Sightlines at the estate entrance onto the road are reasonable. The 30 kph speed limit applies along both Cove Road and within the estate.

Due to the relatively elevated location the road network in the area falls steeply to the west. The roads are narrow, characterised by intermittent footpaths with poor surface conditions in places.

The parties to the appeal request the Board to have regard to its decision on file ref. PL88.234419 in 2009 which refers to a proposal for 22 dwellings on lands to the south-west of the site which was to be accessed from Cove Road. I would concur with the Inspector in his assessment of the said appeal that there are difficulties in developing this area of the town with the road network in the area generally narrow, of poor vertical and horizontal alignment, with intermittent footpaths. Certainly, the identification of how the area would integrate into an overall transportation scheme for Bantry and its future expansion would be beneficial. However, I do not consider

that this is a prerequisite for the current proposal which is materially smaller in size and scale to that previously refused.

I also note that the objective for a proposed relief road which would enable traffic from this area of the town to access the N71 without traversing the existing narrow road network, has been an objective of the previous and current LAPs for Bantry. As per the Inspector in his assessment of the appeal under ref. PL88.230714 (08/1172) for road widening for a length of 118 metres along the Old Barrack Road which was refused permission by the Board, the road objective would ideally occur via an integrated services approach for the overall development of this area of the town. Such an integrated approach would appropriately provide for the potential development of the lands identified for housing as per LAP objectives BT-R-06 and BT-R-08. Whilst the timescale for the realisation of the objective or indeed, whether it is a realistic option are moot points the proposal sets aside a 4.2 metre strip along the Old Barrack Road to allow for the realisation of the objective in accordance with the requirements of the Council's Area Engineer.

I consider that the additional vehicular movements that would be generated by the 5 no. dwellings would be small and can be accommodated on the road network both within the Reenrou East estate and in the vicinity. In addition, 10 no. parking spaces are to be provided which is in accordance with the current County Development Plan requirements. As such the prevailing conditions within the estate will not be exacerbated by the proposed development.

As noted by the Area Engineer by reason of the small scale of the proposed development a Traffic Impact Assessment or Road Safety Audit are not considered necessary.

Of concern is the increased vehicular movements arising during the construction phase which is anticipated to be c.18 months, with particular regard had to the HGV movements required to transport the necessary fill material to the site to address the site levels. By way of further information, it is estimated that 680m³ of fill will be required which will equate to 70 no. two way trips. Whilst the agent for the applicant proposed that half of the material would be delivered to the site via the Old Barrack Road which bounds the site to the east, the practicality of same has been queried by the Area Engineer and Estates Section. I would tend to concur with their

reservations. On this basis, therefore, it is reasonable to assume that, in reality, all construction traffic would be required to be directed via the adjoining housing estate. As noted, the Construction Management Plan submitted by way of clarification of further information has a number of discrepancies and references which would suggest that it has not been prepared with specific reference to the appeal site. On this basis I do not consider that it can be relied on. However, the inadequacy of the document does not represent a fatal deficiency in the application, and I consider that it can be appropriately addressed by way of condition.

There is no question that the construction period both in terms of activity, noise and traffic will impact on the amenities of the adjoining property however the impacts, by their nature, will be temporary. Appropriate conditions including the preparation of the detailed, site specific construction management plan, can be attached to address the concerns.

As noted by the appellants and observers, evidenced in the photographic survey submitted by way of further information and noted on day of inspection Cove Road in the vicinity of the estate entrance and the road surfaces within the estate, itself, are in a poor condition. I note that the planning authority's approach in addressing the matter is to require, by way of conditions, an up to date road condition survey prior to commencement of development and the obligation on the developer to rectify any damage caused by construction traffic (conditions 11 and 17). However, I recommend that a bond specifically worded to ensure the satisfactory reinstatement of the local public roads, if damaged by the transport of material to the site in connection with the development, to be a more appropriate mechanism in this instance.

In view of the foregoing I do not consider that a refusal of permission on the grounds of vehicular or pedestrian hazard or deficiency in the road network is warranted in this instance.

7.3. Residential Amenities

The site falls steeply from west to east with the eastern portion of the site to be filled to allow for the proposed development. An embankment of up to 4 metres is proposed which will be set back approx. 11 metres from the boundary with the Old Barrack Road to the east. A hedge is to be planted along the top of the

embankment however details of fencing to provide for public safety would be required by way of condition. The area between the embankment and Old Barrack Road is scheduled for planting.

The dwellings as proposed are single storey in design and are to have a finished floor level which is approx. 1 metre lower than the two storey dwellings immediately adjoining. Dwelling Nos 1 to 3 are to back onto the nearest dwelling (No.106). Whilst the rear garden areas are shallow ranging between 4.5 and 6 metres, they provide for acceptable amenity areas of between 58 and 60 sq.m. In view of the constrained depths I consider that it is appropriate to attach a condition precluding the exempted development provisions set out in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

The western boundary to No.106 is to be delineated by a 1.5 metre high gabion wall. Save to facilitate the access the majority of the trees along this boundary are to be retained. I note that the trees forward of the front building line of No. 106 are to be removed which would result in the rear of dwelling no.3 being open to views from the estate road. To provide for appropriate screening replacement planting will be required. In addition, the rear garden of No.106 is visible from the site with the existing treeline requiring augmentation to provide adequate screening. Indicative details to this effect, only, are provided on the plans submitted by way of further information. Dwelling nos. 1 and 2 are to be located to the north and will front onto the access road which will separate them from the nearest dwellings to the west.

The dwellings would have a finished floor level which is elevated over the Old Barrack Road. Save for a number of two storey properties to the north-east that back onto the lane, views are onto roofs of the dwellings that front onto the N71. I consider that in view of the minimum separation distance of over 40 metres from proposed dwelling nos. 3-5, coupled with the proposed landscaping and retention of the hedgerow to Old Barrack Road, concerns in terms of overlooking or loss privacy would not arise. Whilst the dwellings would be visible from the N71 to the east they would be set against the backdrop of the existing Reenrou East estate and the existing mature trees to be retained. On this basis I consider that they would not be overbearing nor would adversely impact on the visual amenities of the area or the amenities of the properties to the east.

Whilst the layout will not provide for any meaningful open space, I consider that in view of the private amenity space provisions and the existing provision within the Reenrou East estate, such a shortfall is not a material deficiency that would give rise to concerns in terms of residential amenities of prospective occupants. However, I consider that the detail provided on drawing no. SL0-005 Rev.2 received by the planning authority on the 20/0919 does not provide sufficiently detailed information on the proposed site landscaping and I recommend that this be addressed by way of condition.

7.4. Other Issues

Site Services

The site is to connect into the existing foul sewerage network within the Reenrou East estate via a pumping station. Connection to the surface water system on the N71 via Old Barrack Road is proposed.

Special Financial Contribution

I note that the planning authority by way of condition 32 attached a special contribution of €9,445 in respect of works proposed to be carried out for the provision of the relief road provided by objective BT-U-03 of the LAP.

As to when a planning authority may require the payment of a Special Contribution is covered in Section 48(2) of the Planning and Development Act 2000, as amended, with Section 7.12 of the Development Management Guidelines, 2007 providing guidance with respect to same. It is clear that such a request should only be made in respect of a particular development whereby demands likely to be placed on public services and facilities are deemed to be exceptional thereby incurring costs not covered by the General Development Contribution Scheme of the Council. Any condition imposed under this section must '*specify the particular works carried out or proposed to be carried out by the local authority to which the condition relates*'. This requirement to identify the nature / scope of the works, the expenditure involved and the basis for its calculation, including how it is apportioned to the particular development, is of relevance and includes a mechanism whereby special contributions can be refunded to the applicant in the event that the works in question are not commenced or are not completed within the required timescales.

No such detail is on file to support the condition. As can be extrapolated from the LAP for the area the roads objective would serve a significantly wider area than the appeal site including undeveloped lands earmarked for residential development (objectives BT-R-06 and BT-R-08). The works would not be specific to the current scheme nor exceptional and will benefit both other development lands in the immediate vicinity and the wider community. I consider that such financial requirements would be better incorporated into the general contribution scheme and adopted in accordance with the procedures set out in Section 48 of the Act. In this regard I also note that there is provision for the adoption of further schemes in respect of different parts of the functional area of the Planning Authority under Section 48(2)a of the Act. I therefore do not consider that the contribution meets the parameters in terms of specific exceptional costs and I recommend its omission.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development within the development boundary of Bantry on a serviced site, no appropriate issues arise, and I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

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 nature and scale of the proposed development within the development boundary of Bantry and to the pattern of development in the vicinity, 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 of property in the vicinity and would be acceptable in terms of traffic and pedestrian 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 on the 20th day of September 2019 and the 22nd day of November, 2019 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 textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

3. Full details of the fence to be erected along the perimeter of the proposed embankment shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of the residential amenities of the area.

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

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. 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.

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

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

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

11. (a) Prior to commencement of development, all trees, hedging and shrubs which are to be retained as detailed in the 'Report on Trees' received by the planning authority on the 20th day of September 2019 shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall include a plan to a scale of not less than 1:500 showing

- (a) Additional planting along the western site boundary to the side of No.106 Reenrou East;
- (b) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder;[
- (c)
- (d) Timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

13. 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 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.

14. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or

other security to secure the satisfactory reinstatement of the local public roads, if damaged by the transport of material to the site in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the local public road. 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 reinstatement of the local public road.

15. 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.

16. 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

April, 2020