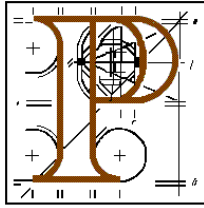

An Bord Pleanála



Inspector's Report

Development: 30 no. dwellings at Moneygurney, Ballyorban, Douglas, Co. Cork.

Planning Application

Planning Authority : Cork County Council
Planning Authority Register Reference : 14/6290
Type of Planning Application : Permission
Applicant : Into the Future Ltd.
Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : (1) Tom & Nuala Clifford
(2) Sean & Hilda O'Mahony
Type of Appeal : 3rd Party v. Grant
Observers : None
Inspector : Pauline Fitzpatrick
Date of Site Inspection : 20/11/15

Appendices

1. Photographs
2. Extracts from the Cork County Development Plan 2014 and Carrigaline Electoral Area LAP 2nd Ed. 2015

1. SITE LOCATION AND DESCRIPTION

The site with a stated area of 4.0ha is located in the south environs of Cork city in an area to the south of Rochestown and to the east of the N28. It is c. 8km from the city centre.

It has a frontage onto a well trafficked local road of approximately 5m in width that is characterised largely by ribbon development and agricultural lands with two clusters of housing (c. 4 no. units in each) noted to the north on opposite sides of the road with that on the western side of the road under construction. Douglas Nursing Home and Douglas Hall FC, the latter which accommodates a small Educate Together National School are c. 400 metres further north along the local road. The road has a number of bends and no public footpaths or public lighting. The site is immediately south of the 60kph speed limit. This area of Moneygurney is elevated above the city with the 100m contour bisecting the site.

The front and rear gardens of a dormer bungalow are immediately adjoining the northern boundary of the site. The lands to the west and south are in agricultural use. There are two 2-storey houses opposite the site frontage, the north-eastern one being lower than the road.

The site is in agricultural use and slopes gradually downwards in an easterly direction with a difference in levels from SW to NE corners of approximately 7 metres. There are land drains along the frontage, southern boundary, and part of the northern and western boundaries. There are no field subdivisions within the site and boundary vegetation mainly consists of shrubs with some trees.

2. PROPOSED DEVELOPMENT

The application was lodged with the PA on the **24/10/14** with unsolicited further information submitted **01/12/14**. Further information was submitted 01/07/15 following a request for same dated 17/12/14 with unsolicited information received **03/07/15**. Clarification of FI was received **31/07/15** following a request dated 27/07/15. Revised public notices were received **12/08/15**.

The proposal is for the construction of 30 no. two storey 4 and 5 bedroom detached dwelling houses (5no. house types) served by one access from the local road. The scheme is to provide for emergency foul effluent storage and storm water attenuation in the northern most corner of the site. The main open space is to be provided in the centre of the site in addition to two pocket parks.

As amended site sewage is to be collected by an internal gravity sewer to the north eastern corner of the site. From there it is to be pumped via a rising main in a southerly direction to Maryborough Hill. The proposed pumped route is shared between the estate road network and the adjoining private lands. A letter of consent from the adjoining landowner to provide a wayleave to facilitate the foul sewer connection is submitted. The foul sewer pumping station has been designed to accommodate 24 hour overflow storage for the estate.

A stormwater attenuation tank has been provided for in the north-eastern corner of the site with discharge to be controlled to simulate greenfield runoff rates and discharge to the existing open channel drain to the east of the site. There is adequate capacity in the stream to cater for this discharge.

The application is accompanied by:

- Planning Policy Context Report
- Architectural Statement
- Landscape Report
- Engineering Report

The FI is accompanied by:

- Construction Management Plan
- Hydrological Assessment

Note: Objections to the proposal received by the PA have been forwarded to the Board for its information. The issues raised are comparable to those raised in the 3rd party appeals summarised in section 5 below.

3. INTERNAL REPORTS & PRESCRIBED BODIES

3.1 Internal Reports

Architect's report dated **12/11/14** considers the scheme to be totally out of keeping with the character of the area. A refusal of permission is recommended.

1st Public Lighting Report dated **13/11/14** states there is no objection subject to conditions.

1st Estates Report dated **24/11/14** expresses concern regarding the proposed density in what is essentially a rural/country setting with no pedestrian or lighting facilities. The layout of the scheme including provision of services are of concern. Relocation of the foul pump station and reassessment of the proposed storm system layout are required. FI is recommended. The **2nd report** dated **20/07/15** following

FI reiterates the concerns as expressed in the 1st report. There is some confusion between the drawings submitted with the FI in terms of layout and volumes of the proposed attenuation system and proposed foul emergency storage system. The FFL of a number of the houses would not appear to be a minimum of 1.1 higher than the invert of the adjoining/serving sewers. All foul sewers should be 150mm. There are concerns that flood levels of the watercourse would negatively impact on the outfall and storm system of the development and potentially lead to flooding issues on the site. Clarification of FI is recommended. The **3rd report** dated **27/08/15** following clarification of FI repeats the concerns regarding a residential development of the size proposed in what is effectively a 'rural/country' setting. Should permission be granted the omission of the house at the south-eastern corner of the site would benefit the layout for any diversion/altering of the existing watercourse as well as benefit the overall design/layout of the entrance. There may be merit in omitting other houses in the vicinity of the entrance to help the overall layout. The layout of the internal estate junction to the east of the main central green area would need to be revised to help with potential speed issues. A schedule of conditions are detailed should permission be granted.

The **1st Area Engineer's** report dated **25/11/15** recommends against a favourable decision on the basis that the proposal would significantly increase pedestrian and vehicular activity and would give rise to a traffic hazard. FI is required on sightlines at the proposed site entrance, revised site layout providing for wider carriageways and design details for surface water treatment including piping of stream on site, the road side drainage system and location of attenuation tanks. A rising main for foul water is not acceptable at this location in that it would be one of three along the road. The road is prone to intermittent flooding due to inadequate surface water drains. Foul water disposal also requires further consideration. A refusal of permission is recommended. The **2nd report** dated **21/07/15** following FI notes comparable issues as detailed in the 2nd report of the Estates Engineer's reports. Refusal recommended due to over-development of the site and associated traffic hazard. The **3rd report** dated **21/08/15** following clarification of FI states that although the engineering issues have been addressed a refusal for traffic hazard reasons is recommended. Should permission be granted a special contribution towards the provision of a footpath and public lighting should be attached.

A report from **SEE Water Services** (titled Engineer's report) dated **28/08/15** notes that the revised proposal avoids a second rising main on the local road. In consideration of other previously granted and proposed developments within the zoned area along the road the possibility of providing an overall wastewater system which could cater for a number of sites by means of a single pumping station and rising main should be investigated. A condition to this effect to be attached to any grant of permission.

The **1st Area Planner's** report dated **12/12/14** reiterates the issues arising in the internal reports as summarised above. The proposed installation of an independent rising main as proposed is not acceptable having regard to permitted proposals to install rising mains to serve nearby developments to the north. The option of a combined wastewater disposal solution should be examined. The number of dwellings will have to be reduced to allow for increased open space provision over the pump station and storage tanks and the maintenance of the relevant separation distances. The open space provision is inadequate. A request for FI is recommended. The **2nd report** dated **24/07/15** following FI notes that there are no objections to the revised wastewater disposal arrangements. Clarification is required on the position and capacity of the foul effluent storage tank and the stormwater attenuation tank. Details are required confirming available capacity in the stream. Revised proposals in terms of the invert level of the outfall from the attenuation tank and the existing culvert under the public road are also required. It is noted that the proposed stream realignment is conducive to blockages. In addition no details of the capacity of the existing stream have been provided. Clarification of FI is recommended. The **3rd report** dated **03/09/15** considers that the outstanding matters have been addressed. The omission of the dwelling in the south-eastern corner of the site would benefit the overall layout by allowing the diversion/altering of the existing watercourse outside the private curtilage of a dwelling. It is also considered that the omission of the dwelling on the opposite side of the road adjacent to the entrance and the provision of open space would help to soften the impact of the development and provide a more suitable entrance vista to the development. A grant of permission subject to conditions is recommended.

The **1st Senior Executive Planner's** report dated **17/12/14** concurs with the Area Planner's report and recommends a request for FI. It notes that whilst the proposal represents an increase in house numbers from that previously permitted it is still below the medium 'B' category threshold of the current County Development Plan which provides for 12-25 dwellings per hectare. It is difficult for either the Council or the landowner to ensure that provision is made for a footpath but, incrementally, it is hoped that developments along this stretch of road will be required to make provision for a footpath along the road frontage. In the context of the zoning designation and the previous permitted development it is considered that the design approach is broadly acceptable. The **2nd report** dated **27/07/15** following FI concurs with the other internal reports and recommends clarification of FI. The **3rd report** dated **03/09/15** following clarification of FI concurs with the Area Planner's recommendation to omit the two dwellings at the site entrance. A grant of permission subject to conditions is recommended.

3.2 Prescribed Bodies

Inland Fisheries Ireland in a report dated **21/11/14** has no objection to the proposal provided Irish Water signifies there is sufficient capacity in the foul sewer so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters. If such an assurance is not in place IFI feels that there must be an onus on the developer to provide a separate treatment and disposal option until the public facilities are adequate.

Irish Water in a report dated **25/11/15** recommends FI regarding a wayleave for the water main that traverses the northern part of the site and redesign of the emergency overflow tank and provision of pump house. A **2nd report** dated **20/07/15** following FI has no objection subject to conditions.

4. PLANNING AUTHORITY'S DECISION

The PA decided to grant permission for the above described development subject to 56 conditions. Of note:

Condition 2: Omission of two dwellings adjacent to the site entrance.

Condition 10: Notwithstanding the exempted development provisions no construction or planting within the wayleave running through the north-western portion of the site.

Condition 23: Details of storm sewers and attenuation system to be agreed with the PA prior to commencement of development. It shall be designed to cater for 1 in 30 and 1 in 100 year storm events. The proposals shall include detailed site specific design, layout and section drawings and construction details as well as detailed proposals for the operation, maintenance and silt management of the system.

Condition 24: Details of proposed diversion/culverting/piping of existing watercourse to be submitted to PA prior to commencement. Proposals for suitable railing along the watercourse to be provided.

Condition 25: Stream to be fenced off.

Condition 26: Effluent disposal to be in accordance with details submitted unless an alternative connection to the public sewer via public road L-6466 can be provided by agreement with Irish Water and Cork County Council. Any such alternative arrangement to be submitted for approval prior to development commencing.

Condition 27: Details of foul sewer layout and foul pumping station to be agreed with the PA/Irish Water prior to commencement. Details to include full width road reinstatement for the full length of the excavation along Maryborough Hill. All foul sewers to be 150mm minimum diameter.

Condition 34: Development to be phased. Phasing plan to be submitted for agreement.

Condition 51: The developer to ensure that the scheme is served by adequate water and waste water facilities and shall enter into a connection agreement with Irish Water where appropriate.

Condition 54: Part V requirements.

Condition 55: €100,000 special contribution towards footpaths and lighting along the public road.

5. GROUNDS OF APPEAL

3rd Party appeals have been received from:

1. Tom and Nuala Clifford
2. Sean & Hilda O'Mahony

A submission by Tricia Treacy Town Planner was made in both instances which can be summarised as follows:

5.1 Non-Compliance with Development Plan and LAP Provisions

- There is an existing permission for 13 dwellings on the site which is considered to be more suitable to the character of the area in terms of density and design. The number of bedrooms proposed (130 - mostly double) suggests that the potential population of the scheme is considerably greater than the number of units would suggest.
- The proposed density and pattern of development would be out of character with the area and would, therefore, be contrary to section 14.3.1 and 14.3.2 of the County Development Plan which requires that development on lands that do not have a specific zoning objective should have regard to the character of the area.
- The proposal is unsustainable given the distance from urban services and the lack of public transport.
- The site is not zoned for residential purposes in the Carrigaline LAP. The inference from this should be that the status quo with regard to the planning permission on the site was regarded as appropriate and that no change was considered justified.

5.2 Visual Impact

- The proposed development would be at odds with the pattern of ribbon development of relatively large dwellings on large sites.

5.3 Traffic and Access

- The additional vehicular and pedestrian movements onto a poorly aligned county road with no footpaths or public transport would give rise to a traffic hazard.

5.4 Surface Water & Flooding Risk

- There are a number of concerns arising from the surface water arrangements including size of attenuation tank and adequacy of pipe under the road.
- An open stream linked to culverts forming a main part of the surface water disposal system appears unsuitable to this situation.
- Even if their design capacity is accurately calculated and implemented the risk of back-up and consequent flooding of public roads and adjoining low lying lands is obvious.
- Tom and Nuala Clifford's property is much lower than the appeal site. Their property is vulnerable to flooding because the existing culvert from the road flows down into a stream along their roadside boundary.
- The hydrological assessment submitted by the applicant did not address all the Council's concerns. As a consequence conditions 21, 23, and 24 all require further details which are not considered minor to the agreed with the PA. The details required should have been resolved prior to any grant of permission. Such type conditions also preclude comment by 3rd Parties.
- Condition 24 raises the question of the adequacy of the design of the existing route of the water course from the north-eastern corner site under the public road via the existing culvert and down in to the stream on the appellants' site. The existing arrangements should have been surveyed and proper consideration given to their improvement and protection to prevent flooding in the appellants' property as well as to prevent it in the public domain.

6. APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

The submission by McCutcheon Halley Walsh on behalf of the applicant which is accompanied by support detail can be summarised as follows:

6.1 Compliance with Policy Provisions

- Any changes in policy since the Board granted permission for 13 dwellings on the site under PL04.224596 are positively disposed to the current proposal in that:
- The 2011 LAP boundary has been extended to cover the entire site.

-
- It is an objective (HOU 2-1) of the County Development Plan to move to a more sustainable approach to higher residential densities.
 - The introduction of a new 'Existing built up Area' zoning facilitates a more positive and flexible response to proposals for the re-use of underused sites. In such areas development will be considered in relation to the objectives of the County Development Plan; any general or other relevant objectives of the LAP; the character of the surrounding area and other planning and sustainable development considerations considered relevant to the proposal or its surroundings.
 - The proposal provides an appropriate balance between respecting the low density character of the surrounding area whilst achieving the Council's strategic objective to increase residential densities. The proposal would equate to 7 dwellings per hectare. The number of bedrooms is not a material consideration in assessing the appropriate density for the site.
 - The proposal will provide an alternative to the demand for one off housing.
 - It is an objective of the LAP 2011 to provide for an additional 2,051 houses in the South Environs of the City.

6.2 Visual Impact

- Adjoining dwellings are on stand alone sites served by individual effluent treatment systems. This is not the case in this instance as the site is serviced.
- The adjoining one off housing should not determine the layout and house type on the site.
- The layout intentionally provides a more rural house and layout typology than that previously granted and the scheme has been developed to both reflect and integrate into the surrounding rural character of the area.
- The architectural treatment of the proposed dwelling has influences from the 1920's and 30's vernacular and earlier Arts and Crafts period with an emphasis on simple, natural materials.

6.3 Access and Traffic

- Road improvement works have been carried out in the Maryborough/Moneygourney/Clarkes Hill area of the Southern Environs which benefit the area and are to the north of the appeal site between the Moneygourney and Ballyorban Roads.
- The proposed footpath and lighting is to be provided along the entire length of the local road L-6466 and will connect to the said road improvements.
- It is feasible to deliver a 5.5-6 metre carriageway with 1.8 metre footpath along the road to the Moneygourney junction to the north.
- The traffic generation would not give rise to traffic hazard.

-
- A construction management plan was submitted by way of FI.

6.4 Surface Water Disposal

- The claim that the existing culvert from the public road exacerbates flooding in the area is not caused by the applicant's development.
- There will be significant improvements to the existing surface water drainage for the site and the immediate surroundings.
- The site specific stormwater drainage and attenuation proposals have demonstrated that there is adequate capacity in the stream to cater for the existing and proposed additional outfall.
- The overall storm water discharge within the development is to be controlled to simulate greenfield runoff rates and will discharge to the existing open channel to the east of the site. This is the same as previously permitted under PL04.224596.
- The development makes provision for road gullies outside the site to connect to the drainage system to help alleviate surface water disposal from the existing road. It was demonstrated that there is adequate capacity in the stream to cater for this discharge.

6.5 Omission of 2 dwellings

- The two dwellings omitted by condition are considered important to the viability of the scheme and are also important from an architectural and layout perspective as they were specifically designed to address the entrance to the overall scheme. Their reinstatement is advocated.

7. PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

The PA has no further comment

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

06/12470 (PL04.224596) – permission granted for 13 dwellings on the site. The life of the permission was subsequently extended by the PA under ref. 12/5580 until 07/02/18.

08/4583 – permission granted for 4 houses on a site to north. This permission was extended under ref. 13/4104. In same a foul pump station and underground surface water attenuation tank are proposed.

10. DEVELOPMENT PLAN PROVISIONS

10.1 Cork County Development Plan 2014

Chapter 3 sets out the Plan policies and objectives for Housing:-

Section 3.4.20 - with regard to low density development, it is proposed to merge this existing category with the existing Medium Density category, to create a new, more flexible category to be referred to as Medium Density 'B' to encourage a broader range of house types. This category would replace the current 'Low Density' category and could be applied to some sites currently zoned for medium density where there was a requirement to broaden the range of house types constructed.

Section 3.4.21 - the upper limit for this category is proposed at 25 dwellings/ha (35 in smaller towns outside Metropolitan Cork) allowing a wide range of densities to be constructed There is no lower limit suggested for this category but proposals for densities of less than 12 dwellings/ha will need to be supported by a justification of the market demand for the finished units. Also, in order to encourage a broader mix of dwelling types a reduction in the public open space requirement where larger private gardens are provided is proposed.

Objective HOU 4-1 – Housing Density on Zoned Land

High Density with a minimum of 35 units per hectare with no upper limit is deemed to be applicable in town centres throughout the county and in other areas identified in LAP's, normally in close proximity to existing or proposed high quality public transport corridors.

Medium 'A' with a minimum of 20 and maximum of 50 units per hectare is applicable in city suburbs, larger towns over 5,000 population and rail corridor locations (example Carrigtwohill).

Medium 'B' with a recommended minimum of 12 and maximum of 25 units per hectare:

- Max Net Density extended to 35 dwellings/ha in smaller towns outside Metropolitan Cork.
- Normally applicable in smaller towns (less the 5,000 population).

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- Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
 - Densities less than 12 dwellings/ha will be considered where an exceptional market requirement has been identified.
 - Densities between 25 and 35 dwellings/ha will be considered where an exceptional market requirement has been identified.
 - Consider a lower standard of public open space provision where larger private gardens are provided.
 - Must connect to public water and wastewater services.
 - Broad housing mix normally required including detached/ serviced sites unless otherwise specified in relevant Local Area Plan.

Table 3.1 sets out a Settlement Density Guide states that the application of 'Medium B' in the Cork South Environs is applicable in a limited number of peripheral locations identified in the Local Area Plans

10.2 Carrigaline LAP 2011 as amended

The plan was amended consequent to the Cork County Development Plan policies regarding housing density (2nd Ed. 2015).

The site is within the development boundary of the Cork City South Environs as set out in the LAP and is zoned as 'existing built up area'. It is the southern most portion of the South City Environs lands is bordered by the A1 greenbelt.

Section 9.3.2 (CDP or LAP) – proposed development in such 'existing built up area' should be considered:

- (1) In relation to the objectives of the County Development Plan
- (2) Any general or other relevant objectives of the LAP
- (3) The character of the surrounding area
- (4) Other planning and sustainable development considerations relevant to the proposal or its surroundings

1.6.17 Housing Density

The County Development Plan 2014 introduced significant changes to the County's policy on residential densities. These policies respect the Governments wish to deliver a sound return on infrastrucutre investment particuarly in relation to public transport, but at the same time provide flexibility for developers to adapt to new market conditions and broaden the range of house types that can be built on zoned land so that, in future, more households will be attracted to locate in the County's towns, especially in the County Metropolitan Areas.

Table 1.1 Housing Density on Zoned Land (to be read in conjunction with County Development Plan Objective HOU 4-1 (Housing Density on Zoned Land), Chapter 3: Housing, Volume 1, Cork County Development Plan 2014)

	Min Net Density	Max Net Density
High	35	No Limit
Medium A	20	50
Medium B	12**	25**

** The maximum density for 'Medium B' zonings can be extended to 35 dwellings per ha in smaller towns outside Metropolitan Cork where considered appropriate i.e. on sites near the town centre. Densities of < than 12 dwellings per ha will also be considered where an exceptional market requirement has been identified.

11. ISSUES AND ASSESSMENT

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

- Principle of Development and Density Proposed
- Layout and Design
- Access and Traffic
- Site Services
- AA - Screening

11.1 Principle of Development and Density Proposed

Taking into consideration the extant permission for 13 dwellings on the site originally granted under reference number 06/12470(PL04,224596), the duration of which was extended under ref. 12/5580 until 2018, and the fact that the site is within 'existing built up area' as delineated in the current Carrigaline Electoral Area LAP, the principle of housing on the site is acceptable.

In this context I consider that the substantive issue arising in this case is the suitability of the site for a greater number of dwellings than previously permitted and compliance with current policy provisions in terms of density.

Since the previous decision to grant permission the County Development Plan has been reviewed twice and the Carrigaline Electoral Area LAP once with amendments to the latter document arising consequent to the adoption of the current County Development Plan 2014 and the policy requirements in terms of residential density.

The site is c. 700 metres to the south of the local road's junction with the road connecting Moneygourney and Ballyorban with both the Douglas Nursing Home and Douglas Hall RFC Sports Grounds, the latter which accommodates a small Educate Together primary school, c.400 metres to the north. Ribbon development extends southwards on both sides of the road. As noted from the relevant zoning map in the LAP the South City Environs development boundary extends further southwards along this local road than anywhere else in the plan area. Whilst the immediate area of the site has the characteristics attributable, to a rural location, I would suggest that the low density suburban pattern as evident immediately to the north and the fact that the site has an extant permission is the likely justification for same.

There is no explicit zoning or residential objectives detailed for the site and as such the plan policy as set out in Section 9.3.2 is relevant. It states that proposed development in such areas should be considered relative (a) to the objectives of the County Development Plan, (b) any general or other relevant objectives of the LAP, (c) the character of the surrounding area and (d) other planning and sustainable development considerations relevant to the proposal or its surroundings

The LAP amendment in 2015 is as a consequence of the County Development Plan policy provisions relating to residential density providing for the merging of the previous plan low density category with the existing medium density category to produce 'Medium Density B' so as to create what is considered to be a more flexible category to encourage a broader range of house types. The upper limit is set generally at 25 units per hectare with a recommended lower limit of 12 units per hectare. Schemes proposing a density less than this would need to be supported by a justification of exceptional market demand for the finished units. It is reasonable to surmise that these plan provisions, as adopted, would have been informed by the current Guidelines on Sustainable Residential Development.

The proposed development of 30 dwellings on a 4 hectare site equates to a density of 7 units per hectare. Under any circumstances on such serviced lands within a development boundary this is considered to be very low although it represents an improvement over that previously permitted which equated to 4 units per hectare. The agent for the applicant does not provide a justification by way of an exceptional market demand for same as required by the LAP but considers that it strikes an appropriate balance between the location of the site within the designated development boundary and the low density nature of development in the vicinity as required by Section 9.3.2 of LAP. It is also considered that such type provision could provide a viable alternative to one off housing and thus assist in reducing the pressure for housing in unserviced greenbelt locations (greenbelt designation abuts the site to the south).

As per Table 3.1 of the County Development Plan which gives a Settlement Density Guide the application of 'Medium B' in the Cork South Environs is applicable in a limited number of peripheral locations to be identified in the Local Area Plans. I note that two sites are identified on the LAP zoning map with corresponding specific objectives. The appeal site is not one of the two. Notwithstanding I would not subscribe to the view as expressed by the agent for the appellants that the site's omission infers that the development as permitted under ref. 06/12470 is appropriate and that no change is justified. In my opinion the application must be assessed in the context of the plan and policy guidance provisions that now pertain with specific regard to the requirements of Section 9.3.2 as detailed above.

The relevant Development and Local Area Plans in addition to the Guidelines for Sustainable Residential Development regard the attainment of a balance between the reasonable protection of the amenities and privacy of adjoining dwellings while addressing the need to provide for additional residential development. Taking into consideration the transitional nature of the site between 'existing built up area' and the greenbelt I consider that departure from the recommended density parameters is acceptable in this instance and that the proposal would be seen to accord with the provisions of Section 9.3.2.

11.2 Layout and Design

Whilst the appellants consider that the scheme is out of character with the surrounding pattern of development I would subscribe to the view as expressed by the Inspector on the previous appeal that there is no distinctive character on this road which exhibits a pattern of development typically found on the periphery of a city. Essentially the area is characterised by ribbon development with existing houses varying considerably in the size of their sites and in their design. The low density of the proposed development incorporating large detached dwellings of varying designs on relatively large plots would not detract from the amenities or character of the area.

I note that the PA in its decision required the omission of the two dwellings to either side of the proposed entrance. I would not concur with the view that their omission would provide for a more suitable vista to the development. Subject to suitable boundary treatment and landscaping at the entrance the proposed arrangement would be acceptable.

11.3 Access and Traffic

The road serving the site has an average width of 5 metres with no footpaths or street lighting and was noted to be relatively well trafficked on day of inspection. The site is just outside the 60kph speed limit which commences at the northern most part

of the site with the 50kph applicable further north in closer proximity to the junction. The area is not serviced by public transport and from the information accompanying the application there are no proposals for such provision in the future. As such the scheme will be largely car dependent.

I consider that this constitutes a relatively small residential scheme within what is designated an existing built up area and the distillation of vehicular movements to one access where adequate sightlines would be available would not give rise to concerns in terms of traffic hazard. The moving out of the speed limit beyond the site could be considered by the Roads Authority which would assist in slowing traffic on approach.

In my opinion the substantive issue arising is the absence of facilities for vulnerable users, namely pedestrians, with no footpaths or lighting. Whilst I note the details provided by the agent for the applicant in the appeal response that significant road improvements which benefit the area have been realised to the north between Moneygourney and Ballyorban the fact remains that road improvements have not been carried out along the road onto which the scheme is to be accessed. To address same the PA has attached a special contribution towards their provision along the road northwards to the junction. The applicant has no objection to the said contribution. It is considered that such provision would provide for the means by which an acceptable level of pedestrian amenities could be provided by the Local Authority.

11.4 Site Services

The issue of storm water disposal constitutes a material concern for the appellants. A stream runs along the eastern (roadside) site boundary. It originates in the southwest and flows along the road boundary in an open drain before passing under the road via a 0.375 m diameter culvert at the north-eastern corner of the site. Following a FI request a Hydrological Assessment was prepared which surveyed the existing arrangements. A hydraulic modelling of the stream channel was undertaken which concludes that the existing road culvert has adequate capacity for the predicted 100-year flood flow with a surcharge of 0.245m. with waters to remain contained within the channel with a freeboard of 0.2 metres. This makes provision for the road gullies which are to connect to the drainage system which will assist in surface water disposal from the road. Future flood risk is mitigated to ensure that storm water flows arising from the development are kept to greenfield rates by means of a storm water storage system to be installed (attenuation tank with 300m³ capacity) in the north-eastern corner of the site. The level of the storm water outfall is to discharge above the 1 in 100 year storm event which is c.400mm above the bed level of the watercourse. In terms of maintenance and potential erosion/degradation of the open channel it is proposed to extend the concrete channel culvert to form a

more gradual radius bend in the channel. It is also proposed to culvert the stream along the full length of the rear garden of the dwelling in the south-eastern corner to remove the open channel section.

I consider that sufficient detail has been provided in support of the proposed storm water drainage system to confirm that the proposal would not have any impact on the neighbouring properties drainage environment. A number of conditions attached to the PA's notification of decision appear to require details which have already been provided during the application process and which were assessed and accepted by the relevant departments. As such the requirements of the conditions appear to constitute duplication of material.

I note that the culverting of the stream at the site entrance will require a section 50 consent from the OPW.

In terms of foul drainage the existing permission for 13 dwellings on the site was to be served by a gravity foul sewer to the foul pumping station permitted on the site to the north under ref. 08/4583 (4 dwellings). This arrangement is not proposed in this instance. The proposal for a separate rising main and pumping station along the road was objected to by the Local Authority on the basis of an undesirable proliferation of such type arrangements along the road with the favoured option being the co-ordination of provision with Douglas Nursing Home and Douglas Hall FC to the north.

Following FI the alternative arrangement proposed entails sewage collected by an internal gravity sewer which will flow to a collection point in the north-eastern corner and then pumped via a rising main in a southerly direction to Maryborough Hill with consent secured from the relevant landowner for the necessary wayleave. From the discharge point on Maryborough Hill the foul sewer will flow by gravity via a new gravity sewer to an existing foul sewer manhole at the High Acre Junction at the corner of the Borough Estate. Whilst the Area Engineer notes that the proposed arrangement will result in disruption along the public road there is no stated objection from same nor from Irish Water although a condition providing for a co-ordinated approach as advocated previously is attached to the PA's notification of decision. In view of the absence of any confirmation that such an arrangement is feasible in the short/medium term I would not concur with such an inclusion should permission be granted.

11.5 AA - Screening

The nearest designated site is Cork Harbour SPA (site code 4030) c. 2.2km to the north. The qualifying interests for the site include Little Grebe, Great Crested, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted

Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern and Wetland and Waterbirds.

Detailed conservation objectives have been drawn up for the site the main objective being to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Taking into consideration the outer suburban location of the site and availability of services, the distance to the designated site and the fact that the intervening area is largely developed with continuous disturbance, the proposed development will not pose any risk in terms of direct or indirect impacts on the identified qualifying interests. Therefore it is reasonable to conclude that on the basis of the information available, 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 specific site number 004030 in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12. CONCLUSIONS AND RECOMMENDATION

Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within the development boundary of the Cork City South environs on lands designated as being 'existing built up area', to the provisions of the current Cork County Development Plan and the Carrigaline Electoral Area Local Area Plan and to the density 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 the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of December 2014, the 3rd day of July, 2015 and the 31st day of July 2015, 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. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. All screen walls shall be 2 metres in height above ground level and shall be finished in a material to match the external finishes of the adjoining dwellings.

Reason: In the interests of residential and visual amenity.

5. 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. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

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6. The roadside boundary shall be removed in full. Revised plans with the necessary alterations and proposed boundary setback and treatment shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of road safety.

7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. 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.

8. 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.

9. Public lighting shall be provided in accordance with the drawing no. 4306-301 submitted to the planning authority on the 1st day of July 2015. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television cables) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

12. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

13. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 4.00 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.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached

within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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. 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 of landscaping, including the protection and retention of certain trees, and the replacement of other trees, as indicated in the documentation submitted with the planning application and the further information, coupled with an agreement empowering the local authority to apply such security or part thereof to the provision and satisfactory completion of landscaping, including the protection and retention of certain trees, and the replacement of other trees, as indicated in the documentation submitted with the planning application and the further information. 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 secure the provision and satisfactory completion of landscaping, including the protection and retention of certain trees, and the replacement of other trees, as indicated in the documentation submitted with the planning application and the further information.

19. The developer shall pay 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 footpaths and lighting along Local Road L-6466. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. 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, as amended. 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 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
Inspectorate

January, 2016