



An
Bord
Pleanála

Inspector's Report PL04.247509

Development	House, parking, drainage and site development works
Location	Assumpta, Kilnap, Old Mallow Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	16/36949
Applicant(s)	Marion O'Keefe
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Denis Lynch
Observer(s)	None
Date of Site Inspection	29 th January 2017
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.07 ha is located in the side garden of an existing dormer style dwelling fronting onto the Old Mallow Road. The site is triangular in shape and elevated. The site is bounded to the front by the Old Mallow Road and to the rear by a public road which bridges over the Dublin / Cork Railway line. There is an existing natural stone wall running along the entire road boundary to the front of the site.
- 1.2. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The application submitted to Cork City Council on 30th June 2016 comprised a single storey bungalow with a stated floor area of 70 sqm, adjacent to existing dwelling house, incorporating parking area and all associated drainage and site development works, (planning permission previously granted under planning reference 0631378).
- 2.2. In response to a request for **further information** the applicant submitted the following on 23rd September 2016:
 - Revised public notices
 - Detailed landscape plan
 - Proposed entrance details
 - Floor areas stated as 86.64 sqm

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork City Council issued notification of decision to grant permission subject to 11 generally standard conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

3.2.2. The Case Planner in their first report requested the following further information:

- Detailed landscaping for the overall site
- Details of proposed entrance, gates and walls including elevations
- Confirmation that sight distances can be achieved
- Floor area compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments' (DoEHLG, 2007).

3.2.3. The Case Planner in their second report considered the further information submitted to be acceptable and recommended that permission be granted subject to conditions. The Senior Executive Planner concurred with this recommendation. The notification of decision to refuse planning permission issued by Cork City Council reflects this recommendation.

3.2.4. *Other Technical Reports*

3.2.5. The **Roads Department** requested a payment of a Development Contribution in the amount of €3,814.06 and the payment of a Supplementary Development Contribution in the amount of €697.07. The total amount payable is states as €4511.15. The Department also requested **further information** relating to the entrance details and sight distances. The Roads Department in a second report and having considered the further information submission indicate that they have no objection to the scheme. The Development Contribution has been revised upwards in the amount of €3,821.766 and the payment of a Supplementary Development Contribution in the amount of €698.47. The total amount payable is now states as €4520.24

3.2.6. The **Environment Department** has no stated objection to the scheme subject to conditions relating to noise, working hours, construction works and the management and disposal of waste.

3.2.7. The **Drainage Department** has no stated objection to the scheme subject to conditions relating to drainage, storm runoff and public storm sewer, noise, working hours, construction works and the management and disposal of waste.

3.2.8. The **Strategic Planning & Economic Department** confirm that that the development is exempt from compliance with Part V. Part v Exception Certificate attached.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water** has no stated objection to the scheme.

3.4. **Third Party Observations**

3.4.1. There is an observation recorded on the appeal file from Denis Lynch, Planet Leisure Limited outlining the following concerns:

- Increased Traffic – the development will lead to further traffic congestion at an already busy junction
- Loss of Roadside Parking – the development will lead to loss of existing parking spaces.

4.0 **Planning History**

4.1.1. There is no evidence of any previous planning appeal on this site. It is noted that there was a previous planning application on the site that may be summarised as follows:

- **Reg Ref TP06/31378** – Cork City Council granted permission for a 1 and a half storey dwelling and associated works subject to 12 generally standard conditions.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The operative plan for the area is the Cork City Development Plan 2015 – 2021. The site is within an area zoned ZO 4 Residential, Local Services and Institutional Use where the objective is to protect and provide for residential uses, local services, institutional uses, and civic uses having regard to employment policies outlined in Chapter 3. Chapter 16 of the Plan refers to Development Management.

5.1.2. The following documents are key references informing residential development standards:

- ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (DoEHLG, 2009).
- ‘Urban Design Manual: A Best Practice Guide’ (DoEHLG, 2009).
- ‘Irish Design Manual for Urban Roads and Streets’ (2013).

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The Third Party appeal has been prepared and submitted by Denis Lynch, Planet Leisure Limited and may be summarised as follows:

- Increased Traffic – the development will lead to further traffic congestion at an already busy junction
- Loss of Roadside Parking – the development will lead to loss of existing parking spaces. A retail bakery and restaurant operates adjacent and the development as outlined will removed dedicated parking area.

6.2. **Applicant Response**

6.2.1. The first party in their response to the appeal submitted the following as summarised:

- The loss of existing parking spaces and removal of dedicated parking area simply will not occur
- He photos provided show that here are no existing parking spaces on the road in questions let alone “dedicated” parking areas.

- The photos also highlight that the proposed new entrance is to be located at the furthest point away from the junction.
- As residents on this road for the last 21 years and the foreseeable future submitted that the applicant can relate more than most to the increased volume of traffic which is in the main due to the increase of industrial units in the surrounding area and not likely due to residential car ownership.
- The applicants wish to downsize. The appeal is considered vexatious and stressful and causing unnecessary delay to their proposed dwelling.
- The development will not impinge on the day to day running of the Planet Leisure Centre as the centre has two access points and ample parking.

6.3. Planning Authority Response

- 6.3.1. Cork City Council in their response states that they have no further comments to make.

6.4. Observations

- 6.4.1. None recorded on file.

6.5. Further Responses

- 6.5.1. None recorded on file.

7.0 Assessment

- 7.1. This is an application for a single storey bungalow with a stated floor area of 70 sqm, adjacent to existing dwelling house, incorporating parking area and all associated drainage and site development works, (planning permission previously granted under planning reference 0631378). In response to a request for further information the applicant submitted revised public notices, detailed landscape plan, proposed entrance details and confirmed that the floor area is 86.64 sqm. Accordingly, this assessment is based on the plans submitted to the planning authority on 30th June 2016 as amended by plans received by the Planning Authority on 23rd September 2016.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application, the planning history pertaining to the site and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Traffic Safety
- Development Contribution(s)
- Screening for Appropriate Assessment

7.3. **Principle / Policy Considerations**

7.3.1. Under the provisions of the Cork City Development Plan 2015-2021 the appeal site is zoned Residential, Local Services and Institutional Uses. Having regard to the nature and residential use of the proposed development I am satisfied the principle of a dwelling house at this location is acceptable subject to compliance, with the relevant policies, standards and requirements set out in development plan.

7.4. **Traffic Safety**

7.4.1. The Third Party appeal centres around concerns regarding increased traffic and loss of roadside parking. The appellant is concerned that the development will lead to further traffic congestion at an already busy junction and that it will also lead to a loss of existing road side parking spaces.

7.4.2. There were no dedicated or demarcated roadside parking spaces proximate to the appeal site noted on day of site inspection. Site photos refer. Accordingly, I am satisfied that there will be no loss of existing roadside parking proximate to the appeal site as a result of this scheme.

7.4.3. With regard to concerns regarding increased traffic I would set out the following. It is noted that the Road Department had no objection to the proposed development (as amended) subject to conditions. Based on the information provided on file together with my site inspection I am satisfied that the that the projected trip generation in this case will not have a significant impact and that the adjacent road network has the capacity to accommodate the proposed development. In conclusion I do not consider that the proposed development will give rise to a traffic hazard.

7.5. **Development Contribution(s)**

7.6. **Development Contributions** – Cork County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). Having considered the exemptions listed in the “Reduced Contributions” Section of the scheme it is my view that the proposed development does not fall under the exemptions listed and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.7. **Supplementary Development Contribution** - In relation to the Section 49 Supplementary Development Contribution Schemes (re-opening of an operation of suburban rail services on the Cork to Middleton line; provision of new rail services between Blarney and Cork and the upgrading of rolling stock and frequency on the Cobh rail line as demand increases) it is noted that the subject site is located within the catchment area of these projects and therefore the Section 49 scheme is applicable in this case. It is also noted that Condition No 11 of the notification of decision to grant permission requested the payment of a Section 49 contribution in the amount of €698.47. Should the Board be minded to grant permission it is recommended that a suitably worded condition be attached requiring the payment of a Section 49 Supplementary Development Contribution in accordance with the Planning and Development Act 2000.

7.8. **Screening for Appropriate Assessment**

7.9. I refer to the Appropriate Assessment report submitted with the planning application. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)), no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

- 8.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site, the land use zoning objective for the site, the pattern of development in the area, the nature and scale of the proposed development as amended, and the policy considerations set out in the current Development Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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 23rd September 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A schedule of all materials to be used in the external treatment of the development to include shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation

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

Reason: In the interests of visual and residential amenity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

5. Drainage arrangements, including the attenuation and disposal of rain water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

6. 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.

7. The developer shall pay to the planning authority a financial contribution in respect of re-opening of an operation of suburban rail services on the Cork to

Middleton line; provision of new rail services between Blarney and Cork and the upgrading of rolling stock and frequency on the Cobh rail line as demand increases in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Mary Crowley

Senior Planning Inspector

1st February 2016