



An
Bord
Pleanála

Inspector's Report PL28.248017

Development	The construction of 3 No. residential dwellings and all associated ancillary development works.
Location	Douglas Hall Avenue, Skehard Road, Blackrock, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	16/36882
Applicant(s)	Eva Gould
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Veronica & Richard McCarthy
Observer(s)	None.
Date of Site Inspection	2 nd May, 2017
Inspector	Robert Speer

1.0 Site Location and Description

The proposed development site is located within an established residential area, approximately 3.3km southeast of Cork City Centre, on the northern side of the Douglas Estuary and to the south of Skehard Road, where it occupies an infill position between Douglas Hall Avenue and Douglas Hall Mews. The surrounding area is predominantly residential, with the notable exception of Mahon Golf Club to the south, and is characterised by a variety of housing which includes conventional two-storey, semi-detached dwellings along Douglas Hall Avenue and two-storey terraced units within Douglas Hall Mews. The site itself has a stated site area of 0.1125 hectares, is irregularly shaped, and presently comprises a vacant and heavily overgrown disused plot of land which would appear to have historically been used as a quarry. The site topography is primarily characterised by a steep escarpment to the northeast / east with a sudden and significant drop in level of approximately 10m on travelling south / south-westwards from Douglas Hall Avenue towards Douglas Hall Mews and the detached private dwelling house ('Dun Boige') which bounds the property to the immediate south. It is bounded to the west and northeast by the public road with private residences to the south and southeast, however, the northern site boundary adjoins an area of public open space associated with the Douglas Hall housing scheme. The wider site boundaries are defined by a well-maintained hedgerow to the west and a concrete wall to the south whilst the remaining boundaries comprise a combination of mature hedging / planting and fencing, although it has been asserted by third parties that the existing palisade fencing alongside the northern / north-eastern extent of the site does not serve to demarcate the property boundary.

2.0 Proposed Development

The proposed development consists of the construction of a terrace of 3 No. identical three-storey dwelling houses following a staggered building line along a northwest-southeast axis with a stepped roof ridge line. In this regard, the proposed house type is of a contemporary design with a stated floor area of 201.85m² and a ridge height of 10.1m whilst the proposed construction will utilise the site contours by employing an innovative approach whereby access will be obtained from an upper floor level

opening onto Douglas Hall Avenue with two subsequent floor levels of accommodation sited below same. External finishes will include a smooth render, aluminium framed windows, selected cedar cladding, and mono-pitched roofing.

Access to off-street parking for the individual dwelling houses will be obtained directly from Douglas Hall Avenue thereby necessitating the removal of a narrow strip of green space which presently extends alongside same, although it is anticipated that the loss of this area will be adequately compensated through the provision of an additional area of open space which will function as an extension to the existing public open space to the north of the site. Water supply and sewerage services are available from the public mains.

In response to a request for further information, amended proposals (with revised public notices) were subsequently submitted which included for the following principle revisions to the overall design and layout of the proposal:

- The repositioning of the proposed dwelling houses further south-westwards.
- The provision of a second vehicular access for House No. 1 from Douglas Hall Mews.
- The substitution of Bedroom No. 3 within House No. 2 with a 'family room' on the lowest floor level in order to provide for improved access to the private rear garden area of that property.

N.B. On 13th September, 2016 a Certification of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, was issued by the Planning Authority with regard to the subject proposal.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information, on 24th January, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 14 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

- Condition No. 2 - Requires details of external finishes to be agreed in writing with the Planning Authority prior to the commencement of development.
- Condition No. 3 – Omits the second / additional vehicular entrance proposed to serve House No. 1.
- Condition No. 4 – Requires the applicant / developer to enter into an agreement under Section 47 of the Planning and Development Act, 2000, as amended, in relation to the regulation of the use of the additional public open space at the north-western corner of the site for the purposes of public open space.
- Condition No. 5 – Requires details for the maintenance / management of the additional public open space within the north-western corner of the site to be agreed in writing with the Planning Authority prior to the commencement of development.
- Condition No. 6 – Refers to landscaping.
- Condition No. 7 – States that each dwelling house is to be used as a single residential unit.
- Condition No. 8 – Places a limitation on the hours of construction.
- Condition No. 9 – Requires the development to adhere to the standards set out in *'Minimum Engineering Requirements for Residential Site Development Works'*, October, 2010.
- Condition No. 10 – Prohibits surface water from flowing onto the public road / footpath.
- Condition No. 11 – Requires all the proposed vehicular and pedestrian access points to be designed in accordance with the *'Design Manual for Urban Roads and Streets'* with the exact details to be agreed with the Planning Authority prior to the commencement of development.
- Condition No. 12 – Refers to the lodgement of a development bond / security.

Condition No. 13 – Requires details of public lighting to be agreed with the Planning Authority prior to the commencement of development.

Condition No. 14 – Refers to the payment of a development contribution in the amount of €31,633.69.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports:

An initial report stated that proposed development was acceptable in principle having regard to the relevant land use zoning objective and that the key issues arising related to the impact of the proposal on the character and residential and visual amenities of the area. With regard to the loss of a narrow strip of public open space, it was considered that this did not amount to 'useable' open space and would be offset by the proposed provision of a new area of public open space as part of the wider development proposal. The report also indicated that the Planning Authority was satisfied with the details provided as regards land ownership. In relation to the site location in an area of high landscape value, it was held that consideration could be given to the proposal provided it did not adversely impact or obstruct protected views (*N.B.* The contemporary design was considered to be acceptable on the basis that it blended into the surrounding landscape). The report subsequently concluded by recommending that further information be sought in respect of a number of items including landscaping, boundary treatment, off-street car parking, and private open space provision etc.

Following the receipt of a response to a request for further information, a final report was prepared which concluded that, having regard to the site location and context, and the nature and extent of the proposed development, the proposal was acceptable from a visual perspective, would not have an undue detrimental impact on the area of high landscape value, complied with the relevant objectives of the Development Plan, and, therefore, was in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports:

Strategic Planning and Economic Development: Recommended that further information be sought with regard to public lighting, driveway and vehicular entrance

widths, and the provision of a public footpath from the 3 No. dwelling houses as far as the junction of Douglas Hall Avenue with Douglas Hall Mews.

Road Design: States that following a review of the revised design submitted in response to the request for further information, the proposal to include a second vehicular entrance to House No. 1 from Douglas Hall Mews is unacceptable for reasons of traffic and pedestrian safety and thus it should be omitted as a condition of any grant of permission. No further objection, subject to conditions,

Parks, Landscape & Cemeteries Division: No objection, subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

A total of 13 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- The proposed development will materially contravene land use zoning objective 'Z014: Public Open Space'.
- Concerns with regard to landownership.
- Adverse impact on the character of the area / visual intrusiveness / detrimental impact on an area of high landscape value.
- Detrimental impact on the residential amenity of neighbouring properties (overlooking, loss of privacy, traffic safety, constructional impacts etc.)
- The proposal does not accord with the policies and objectives of the Cork City Development Plan, 2015.
- The submitted proposal is not in keeping with the surrounding pattern of development and is contrary to the provisions of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.
- Inadequate details of public open space provision
- Inadequate provision for off-street car parking

- The overdevelopment of a restricted site
- Increased traffic congestion within the housing estate
- Unsuitability of the proposed access arrangements / traffic hazard.
- The proposal must be considered having regard to the development already permitted on an adjoining site pursuant to PA Ref. No. 1636750.
- Loss of mature trees and landscape character / amenity value
- Inappropriate design, scale and height of the proposed dwelling houses
- Concerns with regard to health and safety during the construction works, with particular reference to the routing of construction traffic through the existing housing estate.
- The existing fencing alongside the site is not in the ownership of the applicant and was erected by the residents of Douglas Hall Mews / Avenue
- The proposed development represents a fire hazard
- The height of the proposed chimney stacks is insufficient to provide for an adequate draw which could potentially result in improper combustion and the production of dangerous gases such as carbon monoxide.
- The construction of the proposed development, with particular reference to any boring or piling-driving activities, could impact on the structural stability / integrity of neighbouring property.
- Obstruction of views towards the Douglas Estuary.
- Potential flooding implications
- Inadequate levels of amenity for the future occupants of the proposed housing (i.e. daylighting etc.)
- Negative impact on Ravenscourt House which is a protected structure.
- Unsuitability of the proposed bin storage arrangements
- Concerns with regard to the proposed servicing / drainage arrangements.

4.0 Planning History

On Site:

PA Ref. No. 80/9619. Was granted on 19th December, 1980 permitting K. O'Shaughnessy & J. Coakley permission for a residential development at Skehard Road, Cork.

On Adjacent Sites:

PA Ref. No. 16/36750. Was granted on 5th May, 2016 permitting Mary O'Sullivan permission for the demolition of an existing two storey dwelling house and the construction of a new two storey dwelling house, alterations to existing garage, all with associated landscaping and drainage alterations, at Blackwater House, No 8. Douglas Hall Avenue, Skehard Road, Cork.

On Sites in the Immediate Vicinity:

PA Ref. No. 10/34392 / ABP Ref. No. PL28.237729. Was granted on appeal on 14th June, 2011 permitting Alan Gould permission for the construction of a two-storey dwelling house and associated site works at Douglas Hall Mews, Skehard Road, Blackrock, Cork.

ABP Ref. No. RL28.RL3360. Was determined on 24th September, 2015 wherein it was held that the fencing and enclosure of a site and its use as a private garden at the corner of Douglas Hall Mews, Skehard Road, Cork, was development and was not exempted development.

ABP Ref. No. PL28.246638. Was refused on appeal on 6th September, 2016 refusing E. Kingston permission for the retention of a concrete post and timber panel fence of approximately two metres high at 3 Ravenscourt, Skehard Road, Cork.

5.0 Policy Context

5.1. National and Regional Policy:

The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner

suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. Development Plan:

Cork City Development Plan, 2015-2021:-

Land Use Zoning:

The majority of the proposed development site is zoned as *'Residential, Local Services and Institutional Uses'* with the stated land use zoning objective *'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'*. However, a narrow strip of land within the north-eastern corner of the site alongside the public roadway is zoned as *'Public Open Space'* with the stated land use zoning objective *'To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates'*.

Explanatory Note: 'Residential, Local Services and Institutional Uses':

The provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale 'corner shops' and other local services such as local medical services, will be open for consideration.

Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle. The employment policies in Chapter 3 designate particular locations for offices, office based industry, major retailing development and these uses are not generally permitted in this zone (Chapter 3: Enterprise and Employment). New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4.

Explanatory Note: 'Public Open Space':

It is an objective of the City Council to provide for or retain all land zoned public open space in that use. Objective 11.7 in Chapter 11 outlines the City Council's approach to the development and protection of public open space. While primarily used for passive and informal recreation, lands zoned 'public open space' may also incorporate public sports facilities and grounds. Furthermore, City Parks are large parks that will incorporate ancillary and incidental uses that add to the life of the park (such as small cafes and other amenities) and also add to and support the public open space and public recreational infrastructural role of the parks (Chapter 11: Recreational Infrastructure).

Other Relevant Sections / Policies:

Chapter 6: Residential Strategy:

Objective 6.1: Residential Strategic Objectives:

- a) To encourage the development of sustainable residential neighbourhoods;
- b) To provide a variety of sites for housing to meet the various needs of different sections of the population;
- c) To continue to work with the Approved Housing Bodies and to actively engage with all key stakeholders in the provision of housing;
- d) To continue to regenerate and maintain existing housing;
- e) To encourage the use of derelict or underused land and buildings to assist in their regeneration;

- f) To promote high standards of design, energy efficiency, estate layout and landscaping in all new housing developments;
- g) To protect and, where necessary, enhance the amenities and the environment of existing residential areas.

Chapter 10: Landscape and Natural Heritage

Objective 10.1: Landscape Strategic Objectives:

To preserve and enhance Cork's landscape character and key landscape assets.

To preserve and enhance Cork's views and prospects of special amenity value.

Objective 10.2: Cork City Landscape:

To preserve Cork's unique and distinctive landscape character through the appropriate management and enhancement of Key Landscape Assets, (as set out in Table 10.1).

Objective 10.4: Areas of High Landscape Value:

To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.

N.B. The proposed development site is located within an ‘Area of High Landscape Value’ as identified on Map No. 6: ‘South Eastern Suburbs Objectives’ of the City Development Plan.

Objective 10.6: Views and Prospects:

To protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City’s landscape from inappropriate development, in particular those listed in the development plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.

To identify and protect views of local significance through the preparation of local area plans, site development briefs and the assessment of development proposals on a case-by-case basis.

Objective 10.10: Trees and Urban Woodland:

- a) To protect and enhance the city’s tree and urban woodlands;
- b) To protect, survey and maintain existing important individual and groups of trees;
- c) To make use of tree preservation orders to protect important trees or groups of trees which may be at risk;
- d) To ensure that new development benefits from adequate landscape structure / tree coverage, particularly in areas of the city with inadequate tree coverage;
- e) To develop an urban woodland strategy and to provide a resource to protect trees and tree groups of significance, to manage existing areas with high tree coverage and to plant new urban woodlands in areas deficient in tree coverage;

- f) To promote the planting of native deciduous trees and mixed forestry in order to benefit biodiversity.

Chapter 11: Recreational Infrastructure:

Objective 11.7: Public Open Space:

- a) To protect, retain, improve and provide for areas of public open space for recreation and amenity purposes. There will be a presumption against development of land zoned public open space for alternative purposes;
- b) There will be presumption against development on all open space in residential estates in the city, including any green area/public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation/ amenity open space, and also including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes;
- c) To promote public open space standards generally in accordance with national guidance contained in Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DEHLG, 2009) and the accompanying Urban Design Manual – A Best Practice Guide;
- d) The development of open spaces should aim to enhance and protect natural features and views and be set in safe and secure environments with the emphasis on active open spaces accessible to and enjoyed by all sectors of the community;
- e) To follow an approach of qualitative as well as quantitative standards for open spaces providing high quality open spaces with high levels of access to recreation for local communities;

- f) Specific design outcomes should be framed in relation to the nature of spaces being created or enhanced (e.g. in relation to maintenance, nature exposure and connectivity, strategic landscape and social role).

Chapter 16: Development Management:

Part C: Residential Development:

Objective 16.9: Sustainable Residential Development:

Residential developments shall be sustainable and create high quality places and spaces which:

- a) Deliver a quality of life which residents and visitors are entitled to expect in terms of amenity, safety and convenience;
- b) Provide adequate open space which are practical in terms of scale and layout and naturally supervised by the aspect of the dwellings it serves;
- c) Provide a good range of suitable facilities;
- d) Prioritise walking, cycling and public transport and minimise the need to use cars;
- e) Present an attractive appearance with a distinct sense of place;
- f) Are easy to access and navigate;
- g) Promote the efficient use of land in terms of density and plot ratio;
- h) Promote social integration and provides accommodation for a diverse range of household types and age groups;
- i) Enhance and protect the built and natural heritage

Section 16.59: Infill Housing:

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by

case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development will have an adverse impact on the appellant's property.
- The submitted proposal could potentially have a negative impact on biodiversity and wildlife considerations in the surrounding area, with specific reference to nearby Natura 2000 sites (The Cork Harbour Special Protection Area, Site Code: 004030) and the Douglas River Estuary which is a proposed Natural Heritage Area (Site Code: 001046) and a wildfowl sanctuary.
- The application site is located in an '*Area of High Landscape Value*' as identified in the City Development Plan and it is considered that the proposed development will have a detrimental impact on the visual amenity and landscape character of the surrounding area, with particular reference to its proximity to a '*Landscape Preservation Zone*' and the significant loss /

removal of trees on site which will be necessary to facilitate the construction of the proposed housing.

- There are concerns that the proposed development will have a detrimental impact on the setting of Ravenscourt House, which is a protected structure, given its siting and elevation relative to that property.
- It has not been verified / established that the applicant is the registered owner of the subject site.
- Whilst the applicant has submitted that the proposed development site is not subject to flooding, it should be noted that the lands in question comprise a disused quarry and that the majority of quarries flood.
- The plans and particulars submitted with the application are inadequate to permit a full and proper assessment of the proposed development.
- It is considered that the proposed development represents a fire hazard.
- The height of the proposed chimney stacks is insufficient to provide for an adequate draw which could potentially result in improper combustion and the production of dangerous gases such as carbon monoxide.
- The overall design and layout of the proposed housing does not satisfy the requirements for disabled access.
- The construction of the proposed development, with particular reference to any boring or piling-driving activities, could impact on the structural stability / integrity of the appellant's property by reason of vibration / subsidence.
- It is unclear if the development of the subject lands would accord with the sequencing priorities set out in the relevant development plan / local area plan.
- The existing railings alongside the site were erected by the residents of Douglas Hall Avenue for safety purposes in order to prevent persons from falling into the quarry. These railings are not intended to act as a land marker and if the applicant were to remove same the appellant would expect them to be charged with a criminal offence.

- It is unclear as to how the applicant has sought to claim ownership of an area of open space at the top of the existing quarry face and, therefore, clarification should be sought in this regard. Furthermore, this open space is usable as a play area and should be preserved free from development.
- The landscaping masterplan does not correctly identify the locations of trees on site or the existing fencing / railing to the northwest.
- The proposed development will result in the loss of c. 750 sq.ft. of public open space whilst that part of the site which is proposed for allocation as public open space will be unsuitable for any such purpose given the excessive gradient.
- The proposal does not provide for adequate off-street parking (i.e. 2 No. parking spaces per dwelling) which could potentially result in instances of haphazard on-street parking thereby inhibiting access for other road users / local residents.
- The gradient of the proposed driveways exceeds the maximum permissible.
- Due to the topography of the site, the private open space for each of the proposed dwelling houses will not be usable. Furthermore, these spaces will only be accessible from a communal living area due to the applicant's submission of revised proposals in response to a request for further information whereby a bedroom area has been replaced with a family home.
- The proposed development is contrary to an objective of the City Development Plan which seeks to preserve prime city views.
- The proposed development has not been designed so as to ensure that there will be no loss of privacy or visually overbearing impact of surrounding properties.
- The overall scale, height and massing of the proposed development will have a significant negative impact on the value of surrounding properties.
- The proposed development will be visually intrusive, the impact of which will be aggravated by the difference in ground levels between it and surrounding properties.

- The separation distance between the proposed units and the appellant's dwelling house is inadequate and fails to comply with the guidelines set out in the Development Plan. Furthermore, the bedrooms of the proposed dwelling houses will look into those of 'Dun Boige'.
- Whilst the omission of the additional vehicular entrance to House No. 1 has been included as a condition of the notification of the decision to grant permission, the requirement for the applicant / developer to submit revised drawings detailing same for the approval of the Planning Authority prior to the commencement of development has denied the appellant an opportunity to comment further on this aspect of the development.
- Inadequate details have been provided of the servicing / infrastructural requirements of the proposed development, including water supply, public lighting, and drainage.
- It is estimated that there are 16 No. rooms in the proposed development which have not been provided with a window.
- Due to the design, orientation and location of the proposed development, there are concerns that several of the internal spaces within the housing, including stairwells and bedrooms, will not enjoy an adequate level of amenity by reason of a lack of natural light. In addition, it is submitted that the proposed patio areas will be in almost complete darkness.
- There are concerns with regard to the proposal to route construction traffic through Douglas Halls Mews.
- Construction of the proposed development will require major excavation and bank stabilisation works, however, in the absence of any further details pertaining to same there are concerns as regards the potential for the proposed works to result in a landslide.
- Due to the inadequacy of the sightlines available, vehicles reversing onto the roadway from House Nos. 2 & 3 will endanger public safety by reason of traffic hazard.
- The existing trees on site provide shelter to the appellant's property from strong winds across the Douglas Estuary.

- The roof areas of the proposed housing will not be adequately secured from unauthorised access whilst there are further security concerns as regards the complete obscuring of the south-eastern elevation of House No. 3.
- The proposed bin storage areas will be unsightly and inadequately secured whilst their proximity to the proposed dwelling houses and the associated car parking areas poses a fire risk.
- Illegal dumping has recently been carried out on site.
- The proposed development will have a detrimental visual impact on the built environment and character of the area.
- The overall design, structure and finish of the proposed dwellings is incompatible with that of existing properties within Douglas Hall Avenue and Douglas Hall Mews.
- The inclusion of balconies will result in the overlooking of nearby properties with an associated loss of privacy.
- The proposed development will obstruct views of the Douglas Estuary from the appellant's dwelling house.

6.2. Applicant's Response

- By way of clarity, it should be noted that the entirety of the third party appeal is founded on the Cork City Development Plan, 2009 which is no longer in effect.
- The proposed development fully accords with government policy and the provisions of the Cork City Development Plan, 2015.
- The subject site is zoned as '*Residential, Local Services and Institutional Uses*' and the proposed development is entirely consistent with the relevant land use zoning objective.
- The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' emphasise the importance of encouraging infill and brownfield development.

- The subject proposal complies in full with the requirements of Section 16.59 of the Cork City Development Plan, 2015 as regards infill development.
- The application site has the capacity to accommodate a higher density without detriment to the residential amenity of the area or adjoining properties.
- The density of the development accords with both the Development Plan and national guidance which aim to encourage higher densities, especially on infill sites and in areas close to neighbourhood centres and areas served by public transport.
- The proposed development will not impact negatively on neighbouring properties, the Lough Mahon / Douglas Estuary Area of High Landscape Value or nearby Natura 2000 sites.
- It is evident from the submitted plans and particulars that the proposed development has been carefully designed to protect the amenities of the area and the privacy / amenity of adjoining properties. Adequate separation distances have been provided while the layout of the scheme itself has been designed so that the proposed dwellings are orientated to have views onto the open space to the east of the site and not towards neighbouring dwellings.
- The proposed dwelling houses have been designed to a smaller height and scale relative to Blackwater House and also compliment the neighbouring dwellings of 'Dun Boige' and those along Douglas Hall Mews.
- The existing boundary hedging will be maintained as much as possible and supplemented where necessary in order to screen neighbouring dwellings from the proposed development.
- In its assessment of the subject proposal the Planning Authority indicated that it had no concerns with regard to any impact on neighbouring properties and stated that *'The design is a contemporary design and it is considered that both the design and the materials proposed would blend in with the landscape. Minimal visual impact from Douglas Hall Mews site, site slopes away and only one-storey visible'*.

- The design of the proposed dwellings has sought to minimise the necessity to remove trees on site. Furthermore, any trees proposed for removal are either in a fair or poor condition which are nearing the end of their life.
- Significant care has been taken in the scale, design and materials chosen for the proposed dwellings to ensure that they will blend into the surrounding landscape. The photomontages submitted with the application also demonstrate that the proposed development will not have a negative impact on the surrounding landscape.
- The proposed development site is located approximately 240m from the nearest Natura 2000 site (Cork Harbour) and, therefore, the subject proposal was screened for the purposes of appropriate assessment which concluded that it was highly unlikely to have significant effects on any Natura 2000 site and that Stage 2: 'Appropriate Assessment' was not required. Cork City Council has agreed with this conclusion in its assessment of the subject application.
- The proposed development has been designed to a high standard and carefully responds to the difficult site topography by utilising a split-level construction.
- The proposal responds to the local vernacular by utilising a contrasting contemporary design complemented by materials, proportions and features which will respect and enhance the local setting.
- The car parking and private open space provision fully accord with the policy requirements of the Cork City Development Plan, 2015.
- The Planning Authority has confirmed that the small strip of open space which will be accommodated into a new 1m wide public footpath *'is not usable open space'*.
- It is proposed to provide an additional 37m² of usable open space which has been accepted by the Planning Authority on the basis that *'This compensatory measure is a planning gain which offsets the loss of the narrow strip of public open space'*.

- The overall design and layout of the proposed development complies in full with current building and fire regulations. It provides for adequate separation distances between neighbouring dwellings and accords with the *'Building Regulations Guidance Documents for Heat Producing Appliances'*.
- With regard to issues of ground stability, health and safety, and nuisance, it is submitted that the construction of the proposed development will be supervised by a suitable professional – a project supervisor will manage and co-ordinate health and safety matters during the construction stage in accordance with the Safety, Health and Welfare at Work (Construction) Regulations, 2013.
- It can be confirmed that the applicant is the legal owner of the subject site.
- Whilst the narrow strip of land to the northeast of the application site is not within the ownership of the applicant, the required letter of consent has been submitted with the planning application.
- In its assessment of the subject application the Planning Authority indicated that proof of ownership was not required as *'the statements as per the application form (which is a legal form) are to be taken as is: permission attaches to the land and not to the applicant. Having confirmed that the lands are in private ownership and taking into account details on the application form, any specific details regarding the ownership are outside the remit of the planning authority'*.
- All items raised in the request for further information issued by the Planning Authority were addressed to the satisfaction of Cork City Council.
- The subject proposal involves the development of an overgrown infill site and will improve overall housing provision in the area without impacting on the integrity of the existing streetscape or the residential amenity of surrounding properties.

6.3. Planning Authority's Response

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Open space provision
- Impact on residential amenity
- Traffic implications
- Appropriate assessment
- Other issues

These are assessed as follows:

7.1. **The Principle of the Proposed Development:**

With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is primarily zoned as *'ZO4: Residential, Local Services and Institutional Uses'* with the stated land use zoning objective *'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'*. In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development is dominated by conventional housing construction. In this respect I would suggest that the proposed development can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the

development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Therefore, having considered the available information, with particular reference to the site context, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

With regard to the narrow strip of land within the north-eastern corner of the site alongside the public roadway which is zoned as '*Public Open Space*', whilst I would acknowledge that there is a presumption in the Development Plan against the development of such areas for alternative purposes and that the area in question could be categorised as passive open space which contributes in part to the overall appearance of the surrounding area, I am inclined to concur with the Planning Authority that it does not amount to 'useable' open space and that the loss of this area will be more than adequately offset by the proposed provision of an additional area of open space to the northwest which will function as an extension to the existing public open space to the north of the site (*N.B.* It is of further relevance to note that the proposed additional area of open space will also accommodate a wayleave for the foul sewer drainage arrangements serving the proposed housing). Therefore, on balance, I am satisfied that the loss of the narrow strip of open space to the northeast of the site is acceptable in this instance given the proposed enhancement of an existing adjacent amenity area.

7.2. Overall Design and Layout / Visual Impact:

The overall design of the proposed development is contemporary and has sought to utilise the site contours by employing an innovative approach whereby access will be obtained from an upper floor level opening onto Douglas Hall Avenue with two subsequent levels of accommodation below same. In this regard I am inclined to suggest that there must be an acknowledgment of the on-site constraints, with particular reference to the steep escarpment to the northeast / east and the sudden significant change in ground levels on travelling south / south-westwards through the site, and that the submitted proposal has sought to respond to same.

Whilst the surrounding pattern of development within the Douglas Hall estate is predominantly characterised by a combination of conventional two-storey semi-detached and terraced housing, there are several notable examples of a more modern and contemporary approach to house design having been employed in the local area. For example, the redevelopment of 'Blackwater House' to the immediate east / southeast of the subject site (as approved under PA Ref. No. 16/36750) involves the construction of a large contemporary detached property with a significant expanse of glazing overlooking the Douglas Estuary whilst a further contemporary dwelling house has recently been completed (pursuant to PA Ref. No. 10/34392 / ABP Ref. No. PL28.237729) to the southwest of the site at the end of the cul-de-sac formed by Douglas Hall Mews. In addition, I would advise the Board that the housing development known as 'Brickfields' to the immediate east of Douglas Hall Avenue also comprises various examples of modern two- and three-storey design. Accordingly, whilst I would concede that the overall design of the subject proposal is perhaps out of character with the prevailing pattern of conventional housing construction within Douglas Hall, in my opinion, there is a clear precedent for the consideration of alternative forms of contemporary design within the immediate site surrounds and in this respect I am inclined to suggest that given the siting of the proposal within a small cul-de-sac of housing and its limited visibility, the overall design of the proposed development is acceptable.

In a wider context, the proposed development site is located in an '*Area of High Landscape Value*' wherein it is the policy of the Planning Authority to conserve and enhance the character and visual amenity of the landscape with a presumption against development that would cause significant harm or injury to the intrinsic

character of the area. It is of further relevance to note the proximity of the site to the 'SE-3: Ravenscourt House: Landscape Preservation Zone' to the southwest and the site location relative to those views listed for preservation in the City Development Plan (Landscape / Townscape View Nos. LT22 & 23) (notwithstanding that the vantage points from which the aforementioned views are available are located beyond the limits of the City Development Plan and are not referenced in either the Cork County Development Plan, 2014 or the Carrigaline Electoral Area Local Area Plan, 2011 (2nd Ed., Jan. 2015).

Whilst the subject site occupies an elevated position along a prominent ridge line overlooking the Douglas Estuary, in my opinion, the overall visual impact of the proposed development will be relatively limited given the site context. In this regard I would advise the Board that a significant proportion of the proposed construction will be screened from view by the existing planting and dwelling house ('Dun Boige') on the adjacent lands to the immediate south whilst the ridge line of the proposed development will be below that of Blackwater House (including its re-construction as permitted under PA Ref. No. 16/36750). Indeed, it is evident from a review of the photomontages submitted in response to the request for further information issued by the Planning Authority that the visual impact of the proposed development on the landscape will be significantly less than that associated with both Ravenscourt House and, more particularly, the Brickfields housing scheme.

With regard to the proposed loss of trees, whilst I would concede that this is regrettable, there must be an acknowledgement that the subject site is zoned for development purposes and that the submitted landscaping proposals have sought to retain existing specimens where feasible and to provide new supplementary planting which will serve to mitigate the visual impact of the development.

Therefore, on the basis of the foregoing, it is my opinion that the visual impact of the proposed development is within tolerable limits and will not unduly detract from the character or scenic amenity of this sensitive landscape.

7.3. **Open Space Provision:**

Public Open Space:

The loss of the narrow strip of green space located alongside the north-eastern extent of the application site will not give rise to any significant loss of amenity to the

residents of the Douglas Halls housing scheme and will be more than adequately offset by the provision of an additional area of open space to the northwest which will serve to extend the existing public open space to the north of the site. In this respect I am satisfied that the subject proposal represents an overall improvement in both qualitative and quantitative open space provision within the wider estate, primarily as a result of the size and dimensions of the area proposed, and is likely to allow for improved active and passive recreational usage.

Private Open Space:

Each of the proposed dwelling houses will be provided with a rear / side garden area, which will benefit from a south / south-westerly aspect, in addition to private balcony areas at the upper and middle floor levels. This provision exceeds the minimum area requirements set out in Table 16.7 of the City Development Plan and is considered to be acceptable.

Whilst the rear garden area of House No. 2 was initially only accessible through a lower level bedroom, in my opinion, this issue has been satisfactorily addressed by reference to the revised proposals submitted in response to the request for further information whereby the bedroom in question has been substituted with a communal family room.

7.4. *Impact on Residential Amenity:*

Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of the appellant's property primarily by reason of overlooking with an associated loss of privacy. In this regard, specific reference has been made to the proximity of the proposed construction to nearby housing (including the existing dwelling house to the immediate south known as 'Dun Boige'), the orientation and height of the proposed housing relative to neighbouring properties, and the inclusion of a series of balconies within the southwestern elevation of the proposed development.

Having conducted a site inspection, and following a review of the submitted information, in my opinion, the proposed development will not give rise to any significant overlooking of the existing dwelling houses along Douglas Hall Avenue (including the appellant's residence) given the separation distances involved, the presence of an intervening public roadway / public space, and the overall design,

internal layout and orientation of the upper floor level of the proposed housing relative to those properties.

With regard to the property known as 'Dun Boige' to the immediate south of the subject site, I would advise the Board that this dwelling house presently enjoys a high degree of privacy due to its secluded location at the end of a cul-de-sac, the available separation distance from neighbouring properties, the extent of the perimeter boundary treatment and landscaping features on site, and the absence of any existing development within the confines of the application site. Whilst it is clear that the rear elevation of the proposed three-storey construction, with particular reference to the balcony areas proposed at the upper and middle floor levels, will result in some degree of overlooking of the north-western extent of this property, I would suggest that any loss of amenity arising from same must be taken in context given the site location in an urban area where some degree of overlooking would not be unexpected. In this respect I am inclined to suggest that given the positioning / orientation of the proposed development relative to the existing dwelling house, the avoidance of any directly opposing windows, the extent of private open space / garden area within the confines of 'Dun Boige' which will not be overlooked by the proposed housing, and the potential to mitigate any overlooking through an appropriate scheme of landscaping, the proposed development will not give rise to such an unacceptable loss of residential amenity as to warrant a refusal of permission, although I would concede that this is perhaps on the upper limit of acceptability.

In relation to any damage to property attributable to constructional activities undertaken on site (e.g. vibrational impacts etc.), I am inclined to suggest that this is a civil matter for resolution between the parties concerned.

7.5. Traffic Implications:

Access to the subject site will be obtained from the existing roadway which serves the Douglas Hall Avenue / Mews housing scheme and in this respect I am satisfied that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development.

With regard to the adequacy of the sightlines available from the individual driveways / off-street parking arrangements serving each of the proposed dwelling houses, with

particular reference to vehicles reserving from same onto the public roadway, and the ease of manoeuvrability to / from same, in the first instance, it should be noted that the proposed access arrangements are essentially directly comparable to those serving existing housing in the immediate site surrounds. Furthermore, it is of relevance to note that the proposed accesses onto Douglas Hall Avenue will be positioned towards the end of the cul-de-sac at a location where there is less passing traffic thereby reducing the potential for conflicting traffic movements. In addition, the proposal to provide a new dedicated footpath along the frontage of the development onto Douglas Hall Avenue combined with the removal of various vegetation will serve to improve the available sightlines at this location. Therefore, on balance, it is my opinion that the proposed access arrangements onto Douglas Hall Avenue are satisfactory and will not endanger public safety by reason of traffic hazard.

In relation to the inclusion of a second vehicular access to House No. 1 from Douglas Hall News as detailed in the response to the request for further information received by the Planning Authority on 8th December, 2016, it would appear that the rationale for the provision of same was in an attempt to accommodate additional on-site parking within that particular housing plot pursuant to Item 1(ii) of the request for further information. However, following consideration of this amended proposal, the Roads Dept. recommended that the additional entrance be omitted for reasons of traffic and pedestrian safety whilst the final Planner's Report concluded that the provision of this access would be excessive. Accordingly, the foregoing culminated in the imposition of Condition No. 3 in the notification of the decision to grant permission which requires the omission of the entrance in question.

At this point in my assessment I would advise the Board that the proposed development site is located within '*Car Parking Zone 3*' as set out in Part '*G*' of the City Development Plan and that Table 16.8: '*Car Parking Standards*' refers to the provision of 2 No. parking spaces per dwelling house (3 \geq No. bedrooms) with an additional 0.25 No. spaces to be provided for visitor parking. More notably, Paragraph 16.107 of the Plan details that these standards are maximum requirements which are intended to constrain car trip generation and to promote patronage of "green" modes of transport. Therefore, it is apparent that sufficient off-street car parking has been provided within the curtilage of each of the individual

housing plots to accord with the requirements of the City Development Plan in the absence of the additional access onto Douglas Hall Mews.

Whilst I would concede that the siting of the individual plot access points could potentially impinge on the current on-street parking habits of existing residents, given that surrounding housing has its own off-street parking provision and as any instances of parking along the public roadway should perhaps be weighted accordingly, in my opinion, this cannot be considered sufficient reason to warrant a refusal of permission.

Accordingly, having regard to the foregoing, and the overall acceptability in principle of the development, it is my opinion that the subject proposal does not pose a risk to traffic / public safety and is acceptable in terms of its wider traffic impact.

7.6. **Appropriate Assessment:**

From a review of the available mapping, including the Cork County Development Plan, 2014 and the data maps available from the website of the National Parks and Wildlife Service, it is apparent that although the proposed development site is not located within any Natura 2000 designation, it is situated approximately 220m north of the Cork Harbour Special Protection Area (Site Code: 04030) which has been designated as such due to its ecological interest on the basis that it contains a high number of species (and wetlands) listed for protection under the E.U. Birds Directive. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Chapter 10 of the Cork City Development Plan, to protect, enhance and conserve designated areas of natural heritage, biodiversity and protected species, and I would refer the Board in particular to Objective 10.7: *'Designated Areas and Protected Species'* of the Plan which states that development projects and plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) will be subjected to an appropriate assessment and will not be permitted unless they comply with Article 6 of the Habitats Directive. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, a designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site.

Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

Having reviewed the available information, including the screening assessments undertaken by both the applicant and the Planning Authority, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the availability of public services, the site location outside of the protected site, the current site context and its limited ecological value, and the separation distance between the proposed works and the nearby Natura 2000 designation, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

Accordingly, it is reasonable to conclude 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 in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

7.7. Other Issues:

Landownership:

Concerns have been raised in the grounds of appeal that there has been no verification of the applicant's ownership of the proposed development site whilst further reservations have been expressed as regards an apparent claim of ownership over an area of open space located at the top of the existing quarry face / escarpment. In response, the applicant has asserted that she is the legal owner of the wider site area and that the necessary letter of consent from the relevant landowner was submitted with the planning application as regards the inclusion of a

narrow strip of third party lands which comprise an area of 'open space' to the northeast of the site.

From a review of the available information, it would appear that a degree of confusion has arisen as regards the ownership of the application site as it was apparently indicated during the course of pre-planning discussions that the site was owned by the applicant's father, Mr. Alan Gould, whereas the documentation which has accompanied the subject application details the applicant as the owner of the site. Whilst I would acknowledge the appellants' concerns, it should be noted that there is no requirement under the Planning and Development Regulations, 2001, as amended, for a planning application to be accompanied by any certification / proof of ownership of the lands in question. Instead, the Regulations effectively only require an applicant to establish a sufficient interest or standing in the site so as to carry out the proposed development. Accordingly, in the absence of any definitive evidence to the contrary, I am amenable to accepting the applicant's assertion that she retains ownership of the subject site whilst I would also draw the Board's attention to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

With regard to the inclusion within the site boundary of that area of land alongside Douglas Hall Avenue which is in the ownership of a third party, it should be noted that the subject application has been accompanied by correspondence from the relevant landowner consenting to same and that this satisfies the necessary legislative requirements.

In respect of the appellant's concerns that the proposed development will interfere with the existing railings erected alongside the north / north-eastern site boundary, which were purportedly installed by the residents of Douglas Hall Avenue and are not intended as a demarcation of the property boundary, I would reiterate that the applicant has asserted that she retains ownership of the wider site area and that the written consent of an affected third party landowner has been supplied with the application documentation. Although I would concede that it is feasible that a section of the existing railings may have been erected beyond the site boundary on those lands which have been designated as public open space, in the absence of any accurate mapping of same I am unable to comment further in this regard. However,

whilst these railings may have been erected by the local residents outside of the site boundary and on public lands, it is unclear if the local authority consented to same. Furthermore, it is also notable that the fencing in question extends north-eastwards between the applicant's property and those third party lands that have been included within the site area and it is unclear if the appropriate consents were sought in this regard. In any event, I would reiterate that Section 34(13) of the Planning and Development Act, 2000, as amended, does not entitle a person to carry out any development by reason of a permission under that section.

Compliance with the Building Regulations:

In reference to the appellants' concerns as regards adherence to fire safety standards and the Building Regulations etc., it is my opinion that such issues are essentially building control matters which are subject to other regulatory control / legislative provisions and thus are not pertinent to the consideration of the subject appeal.

Flooding Implications:

Although concerns have been raised that the proposed development site may be subject to flooding, particularly in light of its historical use as a quarry, it should be noted at the outset that the applicant has indicated that she has no knowledge of the site having previously flooded. Furthermore, there is not necessarily a correlation between quarrying works and flooding given that the site may previously have been worked as a 'dry pit'. Moreover, following a review of the 'National Flood Hazard Mapping' available from the Office of Public Works, the 'Preliminary Flood Risk Assessment' prepared by the OPW in 2011 as part of the National CFRAM Programme, the Lee Catchment Flood Risk Assessment and Management Study, and the Strategic Flood Risk Assessment undertaken as part of the Cork City Development Plan, 2015, it would appear that the application site is not subject to flooding.

Impact on Ravenscourt House (a protected structure):

Given the separation distance between the application site and the property known as Ravenscourt House, which has been designated as a protected structure by reason of its inclusion in the Record of Protected Structures (Ref. No. PS669), in addition to the presence of intervening features / development, with particular

reference to the existing housing along Douglas Hall Mews, in my opinion, the subject proposal will have no significant impact on built heritage considerations.

Constructional Impacts:

With regard to the potential constructional impact of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the subject site is located within an established residential area and that any construction works are likely to result in some degree of disturbance / inconvenience, particularly as construction traffic will be routed through the adjacent Douglas Hall housing scheme, given the limited scale of the development proposed, and as any constructional impacts will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

Procedural Issues:

Having reviewed the available information, including the plans and particulars submitted with the planning application, in my opinion, there is adequate information on file to permit a balanced and reasoned assessment of the proposed development. Whilst it would be open to the Board to seek additional information in respect of any of the proposed servicing arrangements etc., I am inclined to conclude that the details of such matters can be satisfactorily addressed by way of condition in the event of a grant of permission.

Wildlife Considerations:

Whilst the proposed development will inevitably result in the loss of some plant and animal species from within the footprint of the proposed construction, in my opinion, the lands in question are of limited ecological value and the impact arising from the loss of same will be within tolerable limits given the site context.

8.0 Recommendation

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

Having regard to the land use zoning of the site, to the infill nature of the site, to the design and scale of the proposed development, and to the nature and character of development in the area, 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, and would 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 8th day of December 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. The proposed development shall be amended as follows:
 - a) The vehicular entrance serving House No. 1 from Douglas Hall Mews shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of [visual] [and residential] amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of visual and residential amenity.

5. 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.

6. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all boundary treatment within and bounding the proposed development site.

Reason: In the interests of visual and residential amenity.

7. 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. 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, 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.

8. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

9. 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.

10. The area of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, 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.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction waste.

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

12. 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 roads, footpaths, watermains, drains, 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 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 of the development.

13. 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.

Robert Speer
Planning Inspector

26th May, 2017