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<b>Development</b>	Demolition of dwelling and construction of 88 residential units with crèche, surface water attenuation tank, vehicular entrance, landscaping and all associated site works
<b>Location</b>	Castleowen, Monacnappa, Knockacorbally, Blarney, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/07122
<b>Applicant(s)</b>	O'Leary and O'Sullivan Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to 63 conditions
<b>Type of Appeal</b>	Third Party x 3
<b>Appellant(s)</b>	James and Marie Hartnett & Others Johann Hickey & Others Dara O'Sullivan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> September 2017
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 4.3 ha is in the town of Blarney, located approximately 5km north west of Cork City and is accessed from the N20 “New Mallow Road” and R617 Regional Road. The appeal site is c 300m north of the town centre and is irregular in shape comprising 4 individual fields which have existing hedgerow boundaries intact for the most part with openings and gaps in place at different locations. Three of the site boundaries are formed by the back gardens of surrounding mature residential estates of Castleown to the south, Bracken Woods to the north and Monacnappa to the east. The site is bound to the west by agricultural land. The site itself is characterised by rolling pastoral fields and open countryside. Topographically the site is elevated and slopes steadily from west to east, with a stated level change of approximately 10m across the site. Currently there is no direct vehicular access to the lands from the adjoining road network.
- 1.2. The Blarney Macroom Municipal District Local Area Plan 2017 states that Blarney is internationally regarded for its Castle, its attractive surroundings and the historic character of the village itself. The old village centre is dominated by the square, an area of open space in the village centre. It is an iconic tourist centre with a range of associated tourist related facilities such as the Blarney Woollen Mills Hotel complex, which has a significant comparison shopping element mainly, directed at niche tourism markets. There is a limited convenience retail element in the old centre. Recent residential development has been concentrated on Station Road where a range of units from detached, to terrace, to apartments have been completed.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I would also refer the Board to the photos available to view throughout the appeal file.

## 2.0 Proposed Development

- 2.1. The application submitted to Cork County Council on 14<sup>th</sup> December 2016 was for the demolition of an existing dwelling house to facilitate access to the scheme and construction of 88 no. residential units, a crèche and all ancillary site development works including parking, footpaths, foul and storm water drainage (including the provision of a surface water attenuation tank), landscaping and amenity areas. The

development includes the creation of a new vehicular entrance along the sites north-eastern boundary from the Monacnappa Estate and a new pedestrian/cyclist entrance along the sites southern boundary from Mangerton Terrace.

2.2. The application was accompanied by the following:

- Land owners consent
- Traffic & Transport Assessment
- Planning Statement
- Appropriate Assessment Screening Statement
- Outdoor lighting Report & Lighting and Power Specification
- Infrastructure Report including a draft Construction Environmental and Waste Management Plan.

2.2.1. The first party response to the appeal was prepared and submitted on 13<sup>th</sup> April 2017 amending the scheme down from 88 units to 78 units and associated site layout revision in *“order to accommodate some of the Councils requests”*. This also included bungalows along the northern boundary with Bracken wood. A revised site layout plan showing the proposed revised site layout was received with alterations to the proposed units along both the northern and the eastern boundaries of the site shown together with section drawings through portions of the site at regular intervals and revised layout for the proposed neighbourhood play areas.

2.2.2. The response was accompanied by the following:

- Shadow Impact Study
- Engineering Drawings
- Outdoor Lighting Report x 3
- Lighting & Power Specification Report
- Infrastructure Report
- Electrical Resistivity Survey
- Engineering Report x 2
- Proposed Road Improvements to Waterloo Road / Monacnappa Housing Estate Junction Drawings

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Cork County Council issued notification of decision to grant permission subject to 63 generally standard conditions that include the recommended conditions set out in the internal planning reports.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- 3.2.2. The Case Planner in their first report of 15<sup>th</sup> February 2017 recommended that lengthy and detailed further information be sought. The request may be summarised as follows:

1. Requested that unit no's 1 and 36 - 42 along the northern boundary and unit no's 74 – 88 along the eastern boundary should be either removed or redesigned as single storey units in order to remove the significant residential amenity impact on adjoining third party properties.
2. Having regard to the steep increase in levels between back to back units considered they may well present significant overlooking and residential amenity issues. Requested that cross sections showing the relationship of back to back units through Unit no's 14 to 23 and 68 to 73 and through Unit no's 1 to 13 and 24 to 36 having re
3. Comprehensive study of the implications of sunlight restrictions especially during the winter months on adjoining residents to both the north and the east of the site.
4. Submit specific details with regard to the exact purpose, the specific design, scale and layout of the proposed "kick-about area."
5. Submit a revised site layout map showing this issue addressed so that all proposed open spaces and play areas are fully compliant with design standards for residential development.

6. Detailed section drawings through the site, detailing the various changes of level and proposals for same, should be provided together with all proposed retaining structures within the proposed development should be provided, including detailed design proposals, elevation & section drawings and retained dimensions of each structure.
7. Stated that there is a considerable amount of cut and fill volumes proposed at the site. Requested that site investigation should be carried out within the site and if any rock blasting will be required, a blasting plan should be submitted for agreement with Cork County Council.
8. Potential pedestrian link between the proposed crèche area/pedestrian link to Mangerton Terrace and House 73 or 67 should be investigated.
9. Detailed check/examination of sightlines and forward visibility along the proposed access road should be carried out and submitted together with the proposed finished levels of all ground, including open space, in this particular area.
10. Revised surface water drainage layout in accordance with SUDs best practise together with a suitably designed attenuation system
11. The Developer should review the amount of attenuation storage proposed and the calculations would need to be clarified as the site topography is extremely difficult.
12. The Developer/Applicant should revise the attenuation calculations on the basis that the development is within the catchment of the Martin River.
13. An assessment of the capacity of the surface water sewer downstream to which it is proposed to connect.
14. The preference would be for a fully reinforced concrete attenuation tank, instead of the proposed masonry tank. Having regard to the proposal to install the tank at a level which will require significant excavation requested that ground conditions should be assessed in this location and submission made.
15. The surface water design has resulted in an excessively deep manhole at S4 where the depth to invert is >5m deep. This should be redesigned.

16. Two different sightline drawings have been submitted for the new estate entrance road from the Monacnappa Estate. One shows 70m at a 3m setback and the other 45m at a 2.4m setback. The applicant shall clarify which sightline is to be provided.
17. The applicant shall redesign the proposed entrance layout such that the sightline can be achieved without the requirement for double yellow lines on the public road within the Monacnappa Estate.
18. The applicant shall submit an analysis of the existing Monacnappa Estate/Waterloo Road junction which proposes measures for addressing the speed and restricted sightlines. Mitigation measures including localised traffic calming on the Waterloo Road on either side of the junction are required.
19. A breakdown of the staff numbers and proposed student places on the crèche should be provided.
20. Revised public lighting proposals as insufficient information has been submitted in relation to public lighting proposals for the proposed development.

3.2.3. The **Case Planner** in their second report of 9<sup>th</sup> May 2017 and having considered the further information submitted recommended that permission be granted subject to conditions. In an addendum to the Case Planners Report the **Senior Planner** states on 9<sup>th</sup> May 2016 that *the proposal has been reduced from 88 to 78 no dwellings, the layout revised to minimize the impacts on the residents to the north and east and in general terms the engineers are satisfied with the revised engineering details as submitted.* The addendum further states that they are satisfied that with the mitigation measures submitted and that maintaining a separation distance of 22m back to back of proposed dwellings notwithstanding that they are on different levels is acceptable. The Senior Planner agreed with the recommendation of the Case Planner. The notification of decision to grant permission issued by Cork County Council reflects this recommendation.

#### 3.2.4. **Other Technical Reports**

3.2.5. The **Area Engineer** in their report of 10<sup>th</sup> February 2017 requested further information in relation to surface water, attenuation, SUDs sightlines and traffic. In their second report of 9<sup>th</sup> May 2017 and having considered the further information

submitted they had no stated objection to the scheme subject to conditions as set out in their report.

3.2.6. The **Housing Officer** in their report of 23<sup>rd</sup> January 2017 and having considered the Part V proposals has no stated objection to the scheme subject to conditions as set out in their report.

3.2.7. The **Public Lighting Engineer** in their report of 23<sup>rd</sup> December 2016 considered that insufficient information has been submitted in relation to this aspect of the proposed development. Recommended that the following further information be requested:

- Scaled drawing indicating public lights and contour levels
- Drawings to show all house boundaries to include car parking spaces, driveways etc
- Paths to have public lighting

3.2.8. The **Public Lighting Engineer** in their second report of 21<sup>st</sup> April 2017 and having considered the further information submission had no stated objection to the scheme subject to conditions as set out in their report.

3.2.9. The **Estates Engineer** in their report of 10<sup>th</sup> February 2017 requested further information in relation to retaining structures, cut and fill, pedestrian link, footpaths, boundaries, services and surface water / attenuation tank. In their second report of 4<sup>th</sup> May 2017 and having considered the further information submitted had no stated objection to the scheme subject to conditions as set out in their report.

3.2.10. The **Traffic and Transport Section** in their first report of 7<sup>th</sup> February 2017 requested further information in relation to the new entrance onto the existing residential estate road and the impact at the existing estate road/waterloo road junction. In their second report stated that they have no objection to the permission being granted.

3.2.11. The **Cork NRDO** in their report of 23<sup>rd</sup> December 2016 had no stated objection to the proposed development.

### 3.3. **Prescribed Bodies**

3.3.1. **Inland Fisheries Ireland** in their report of 23<sup>rd</sup> January 2017 had no stated objection provided Irish Water signifies there is sufficient capacity in existence so that it does



not overload either hydrologically or organically existing treatment facilities or result in polluting matter entering waters.

3.3.2. The **Health Service Executive** in their report of 5<sup>th</sup> January 2017 has no specific comments other than the developer or service provider of the crèche having to forward detailed plans for the food element of the business to the HSE in advance of opening

3.3.3. There is no report from **Irish Water** available with the appeal site. According to the Case Planners report Irish Water has no stated objection to the proposed development subject to connection agreement.

#### 3.4. **Third Party Observations**

3.4.1. There are multiple third party observations recorded on the planning file primarily from residents in the area, objecting to the scheme. Please refer to Appendix 1 for a list of all observers. The issues raised are similar to those raised in the appeal and may be summarised as follows:

- Density too high, impact on residential amenity, loss of privacy particularly along the northern and western boundary, inadequate boundary treatment, overlooking, overshadowing, loss of light, anti-social behaviour and inadequate open space loss of safety, security and privacy by reason of proximity to existing houses and height difference i.e. new houses located at a higher elevation, traffic safety, increased volume of traffic, increased levels of noise pollution, access arrangements, dangerous entrance by reason of gradient particularly in icy winter conditions, pedestrian safety, wider road networks cannot accommodate the scheme, inadequate services and facilities to cater for increased population, surface water disposal and increased risk of flooding from surface water run-off, ground disturbance, excavation work could have a negative impact on the stability of existing houses, lack of regard to the existing embankment along the western boundary, slope stability, visual impact on Blarney, a heritage town, loss of character to the area, devaluation of property and future development

## 4.0 Planning History

- 4.1.1. There is no evidence of any previous planning appeal at this location.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork County Development Plan 2014 – 2020** and the **Blarney – Macroom Municipal District Local Area Plan 2017**.
- 5.1.2. In the **Cork County Development Plan 2014 – 2020** Glanmire is identified as one of nine “Metropolitan Towns” (formerly called a “satellite town”) within the Cork Gateway. Blarney is also within the County Metropolitan Cork Strategic Planning Area which is noted as the main engine of population and employment growth for the region.
- 5.1.3. It is a County Development Plan Objective to *maximise new development, for both jobs and housing, in the Metropolitan Towns served by the Blarney – Midleton/Cobh rail route (including the proposed new settlement at Monard) and to enhance the capacity of these towns to provide services and facilities to meet the needs of their population* (Objective CS 4-1: County Metropolitan Cork Strategic Planning Area refers). Objective TM 2-5: Rail Transport states that the County Council will support and prioritise the *secure the delivery of new stations to support planned population growth in Midleton (Waterrock), Cobh (Ballynoe River Ferry), Dunkettle (Park & Ride), Blarney & Monard* (emphasis added).
- 5.1.4. **Table 3.1 Settlement Density Guide** identifies Blarney as a town with public transport corridor potential where high density (min net density of 35/ha) is *applicable in locations close to future high quality public transport proposals*; where medium “A” density (min net density of 20/ha) is *generally applicable for future development* and where medium “B” density (min net density of 12/ha) is *applicable in a limited number of peripheral locations identified in the Local Area Plans*. The appeal site is zoned for medium “B” density in the Blarney – Macroom Municipal District Local Area Plan 2017. **Objective HOU 4-1: Housing Density on Zoned**

**Land** sets out the following criteria for Density Medium “B” (min net density of 12/ha and max net density of 25/ha):

- *Max Net Density extended to 35 dwellings/ha in smaller towns outside Metropolitan Cork.*
- *Normally applicable in smaller towns (less the 5,000 population).*
- *Can be applied in larger towns through LAP’s where there is a requirement to broaden the range of house types.*
- *Densities less than 12 dwellings/ha will be considered where an exceptional market requirement has been identified.*
- *Densities between 25 and 35 dwellings/ha will be considered where an exceptional market requirement has been identified.*
- *Consider a lower standard of public open space provision where larger private gardens are provided.*
- *Must connect to public water and wastewater services.*
- *Broad housing mix normally required including detached/serviced sites unless otherwise specified in relevant Local Area Plan.*

5.1.5. The following polices are relevant in this appeal:

- **Objective HOU 3-1: Sustainable Residential Communities**
  - a) *Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, in development plan preparation and in assessing applications for development through the development management process.*
  - b) *Promote development which prioritises and facilitates walking, cycling and public transport use, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes such as bus and rail stops.*
  - c) *Following the approach in chapter 10 of this plan, ensure that urban footpaths and public lighting are provided connecting all residential*

*developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation.*

▪ **Objective HOU 3-2: Urban Design**

- a) *Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, the accompanying Urban Design Manual and the Council's Design Guide for Residential Estate Development in development plan preparation and in assessing applications for development through the development management process.*
- b) *Provide additional guidance, including principles and policies, on urban design issues at a local level, responding to local circumstances and issues. Where appropriate Local Area Plans will consider the need for the provision of additional guidance in the form of design briefs for important, sensitive or large scale development sites.*
- c) *Require the submission of design statements with all applications for residential development in order to facilitate the proper evaluation of the proposal relative to key objectives of the Development Plan with regard to the creation of sustainable residential communities.*
- d) *Require developers to take account of the Design Manual for Urban Roads and Streets (DMURS).*

▪ **Objective HOU 3-3: Housing Mix**

- a) *Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.*
- b) *Require the submission of a Statement of Housing Mix with all applications for multiunit residential development in order to facilitate the proper evaluation of the proposal relative to this objective.*

- **Objective HOU 5-1: Reserved Land for Social Housing**

*Lands zoned for residential / housing or lands zoned for a mixture of residential / housing and other uses, including all land for a settlement identified in a local area plan will require 14% of all new residential developments to be made available for social housing in accordance with the principles, policies and programmes for action set out in the Joint Housing Strategy.*

- **Objective SC 5-2: Quality Provision of Public Open Space**

a) *Public Open Space within Residential Development shall be provided in accordance with the standards contained in “Cork County Council Recreation & Amenity Policy”, the “Guidelines on Sustainable Residential Development in Urban Areas” and “Making Places - a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2”.*

b) *Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network. See also Chapter 13 Green Infrastructure and Environment.*

5.1.6. Blarney is designated as a Main Settlement in the **Blarney – Macroom Municipal District Local Area Plan** (August 2017). The LAP states that while not zoned solely for residential development, a significant proportion of this growth will be centred on the development of the lands at Stoneview, an area located to the north of Blarney town centre and adjoining the railway line. The LAP states that *the site will accommodate a mixed use development to include at least 2,600 residential units, associated community facilities, a town centre, school sites, parks, a railway station and a park and ride facility and employment uses over a number of phases.* It is further states that *allowing higher density development to be located in close proximity to the proposed railway station which fans out to Medium A and Medium B density residential development with some low density provision for serviced sites at points furthest from the railway line.* The remaining units will be accommodated in Blarney town and on the new Ringwood residential zoning to the east of the town where it will be an aim to ensure that new residential areas are located in close proximity to the services within the town centre.

5.1.7. The appeal site on the other hand is located to the north of the town centre and is zoned BL-R-02 where it states there is no direct access to a public road and that future development proposals on this site will need to ensure that safe access is provided. The site specific zoning objective for the lands zoned BL-R-02 states as follows:

*Medium B Density Residential Development subject to satisfactory access to public road.*

5.1.8. The approach to housing density in County Cork is set out in Table HOU 4---1 of the County Development Plan 2014 as set out above.

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

- ‘Delivering Homes, Sustaining Communities’ (DoEHLG, 2007).
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (DoEHLG, 2007).
- ‘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’ (DTTaS, and DoECLG, 2013).
- ‘National Climate Change Adaptation Framework, Building Resilience to Climate Change’ (DoECLG, 2013).

5.1.10. The ‘**Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities**’ (DoEHLG, 2009) indicate that average net densities in the general range of 35 to 50 dwellings/ha should be encouraged and net densities of less than 30 dwellings/ha should be discouraged and that these densities can be achieved whilst also achieving the construction of a variety of house types.

## 5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site. The nearest relevant European site is the Cork Harbour SPA (site code 004030).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. There are three third party appeal recorded on the appeal file from (1) James & Marie Hartnett & Others, (2) Johann Hickey & Others and (3) Dara O'Sullivan. The issues raised may be summarised under the following general headings:

#### 6.1.2. Housing Density

6.1.3. The Draft Blarney Macroom Municipal District Local Area Plan 2016 has carried forward the zoning of these lands (R-02) but the applicant has failed to highlight that the proposed density approach has been altered from Medium A (20-50 units per hectare) to Medium B which allocates a lower density range of 12- 25 units per hectare. This approach is considered appropriate given the site's backland location, difficult access, elevated nature and topographical constraints. While this proposal is within the upper limits of this range (24 units per hectare) it is considered that a lower density is appropriate here (15 units per hectare max) given the peripheral and elevated nature of the site and the site's relationship with adjoining, established residential areas.

6.1.4. **Housing Design** - The site sits prominently on the skyline of Blarney and was previously zoned as Scenic Landscape in the 2003 County Development Plan. National Guidelines entitled "*Sustainable Residential Development in Urban Areas*" outline the importance of getting the form and density of development right. Section 6.4(iii) of the guidelines state that particular attention needs to be taken in sensitive heritage towns and villages, like Blarney. The applicants have made some attempt to address the inappropriate scale of dwellings on certain portions of the site where residential amenity issues were prevalent, however, the remaining two-storey dwellings on the crest of the hill will result in skyline development in a highly visible hillside within the historic town of Blarney. This will have a negative impact on the visual amenities of the area and will compromise the visual envelope of the town as viewed from the nationally important Blarney Castle tourist destination.

6.1.5. **Demolition & Access** - At no stage within the Planning Authority's assessment of the proposed development have they considered the material impact that the proposed development will have on the adjoining residential properties, in particular

the residential dwelling of Nos. 50 and 52 Monacnappa Estate. The demolition of No. 51 Monacnappa Estate and the provision of a new proposed access will result in a significant 'change of use' for the current residential site and will have significant impact of the quality of life (air quality and noise, disturbance etc). No consideration has been made by the Planning Authority for such an impact and no mitigation measures offered by the applicant to address such issues.

6.1.6. **Residential Amenity** – The residents of Bracken Wood to the north are concerned about the impact the permitted development will have on their residential amenities. Submitted that the developer has used minimum standards which are applicable to opposing units at the same/similar level. The provision of single-storey units with a finished floor level above existing eaves level and just under the existing ridge level of 74.02 regardless of the omission of windows will result in an overbearing impact on our property and private open space. Furthermore, there are two different single-storey house types being used along the northern boundary, F1 measuring 6.085m to ridge and Type G1 measuring 6.440m to ridgeline. The latter height is consistent with that of a storey and a half type unit and would facilitate the conversion of the attic space. The height of single-storey units proposed together with their proximity and topographical relationship to existing dwelling units in Bracken Wood would have a detrimental impact on existing residential amenities by virtue of loss of aspect and an overbearing impact. There are no conditions attached to the planning permission that ensure appropriate back to back distances are maintained along the Castleown boundary. Concerned that the Applicant may attempt to raise the FFL to higher than indicated and build the house within closer distance to my home in an effort to achieve a view of Blarney Castle from over my house. Further the introduction of additional traffic movement and changes to the current residential character of the area adjacent to the proposed access to the development will have a significant impact on the quality of life and valuation of adjoining properties.

6.1.7. **Overshadowing and Daylight** - The analysis submitted highlights that the proposed development will have an impact on the amount of light received by houses to the north in winter months but states this is not significant as the existing boundary planting already impedes light. Drawings have indicated a 2m high capped wall which would exacerbate the loss of light received into habitable rooms and would result in a further erosion of residential amenities and depreciation in the value of



properties. The conclusions of the light study is therefore flawed. The light study confirms loss of light from the proposed units and this will result in overshadowing of properties which will impinge on residential amenities. Concern is also raised that there are excessive ridge heights along the Castleowen boundary to the south where permission has been granted to build houses directly behind existing houses and where the proposed roof ridge height of approximately 4.5 metres will be higher than my existing dwellings based on cut and fill drawing levels.

- 6.1.8. **Overlooking** - Many of the property owners in Bracken Wood have young children and are extremely concerned that there will be a direct line of sight from future residents' rear/side gardens into existing first floor bedrooms. Requested that Units 10, 44, 45 to 49 be omitted from this proposal and replaced by a strip of public open space to avoid impacts on privacy of existing residences. In addition, the attic space of these dwelling has been designed for future conversion to a habitable space. Conditions must be attached to the planning permission to restrict the ridge height and allow for appropriate back to back distance with consideration of overlooking of a dormer or 'Velux' type window arrangement. In addition, there are no conditions attached to the planning permission that ensure appropriate back to back distances are maintained along the Castleowen boundary. Concerned that the Applicant may attempt to raise the FFL to higher than indicated and build the houses closer to existing dwellings in an effort to achieve a view of Blarney Castle.
- 6.1.9. **Slope Stability** - Concerned is raised that the proposed cut and fill to facilitate this development may cause slope instability and slippage. The rear gardens of Nos. 19 – 35 Bracken Wood have steep embankments which were cut to facilitate private open space. The geological assessment submitted is vague and inconclusive and has not addressed in any detail the potential impacts of excavation on existing, adjoining properties.
- 6.1.10. **Boundary Treatment** – The boundary between the proposed site and Bracken Wood is interspersed with native hawthorn, a deciduous tree which sheds its foliage in winter. The details of the boundary treatment are of concern. Further there is a threat to vernacular stone wall boundary and mature tree line along the Castleowen boundary. Concern that the applicant or future occupiers/owners of the dwellings that back on to Castleowen may attempt to remove the mature tree line along the Castleowen boundary to attain a view of Blarney Castle. In addition, the location of

the wall in relation to the children's playground is not appropriate and provides a blank canvas for graffiti and diminishes the amenity of the playground.

6.1.11. **Construction Impact** – Submitted that based on the information provided by the applicant and the Planning Authority's assessment of the planning application, that no consideration has been given to the impact that construction traffic will have on the adjoining residential areas, particularly those properties adjacent to the new proposed access. There are no details on the proposed entrance for construction traffic nor details restricting hours of operations within the site, nor mitigation measures to protect the safety of pedestrians and other road users during the construction phase. These are critical considerations. On the assumption that all construction traffic will access the site via the proposed access road in Monacnappa Estate the impact of the construction period and the movement and parking of Heavy Goods Vehicle within the Monacnappa/Glenview Heights Estate would have detrimental consequences for the adjoining properties. The Glenview Heights properties are located approximately 2-3 metres below the road level of the existing estate road. On the basis that the construction period will result in a significant increase in traffic along the estate road, especially large volumes of heavy goods vehicle movement, this could have a detrimental impact on the steep sloping embankment between the road and the front door of the Glenview Heights properties. In addition, the impact of vibrations created by the vehicle movements will have impact for the adjoining properties.

6.1.12. **Environmental Impact Assessment** - No environmental impact assessment, in particular in terms of noise and air quality issues, was undertaken or requested by the Planning Authority so that the impact of the construction period could be assessed. These environmental issues, along with the potential impact of the run-off of material from the site (significant amount of cut and fill are proposed) will have some level of environmental impact which have not been assessed by the Planning Authority.

6.1.13. **Traffic Impact**

6.1.14. Specific concerns are raised in relation to the impact on the existing estate road capacity and the impact on the junction and safety of movements onto the Regional Road. Submitted that the proposed access road, because of its limited width and

poor vertical and horizontal alignment, is inadequate to accommodate the additional traffic movements which would arise from the proposed development. Submitted that the provision of an additional 150 traffic movements onto an already difficult and constrained local road will result in a serious traffic hazard. The junction of Waterloo Road and Monacnappa Estate has limited sight distance and would not safely accommodate additional traffic turning movements which would arise and would accordingly endanger public safety by reason of a traffic hazard. The provision of additional development of this scale would intensify traffic movements onto an already dangerous junction on the Regional Road where there are restricted sightlines and a steep incline/egress onto the Regional Road. This would materially contravene the planning policy objective contained in the current Blarney Local Area Plan which zones the site for Medium Density development, subject to satisfactory access. Submitted that the traffic assessment supporting the planning application is subject to errors. This oversight demonstrates that the issues relating to the junction have not been considered in full. There are no conditions associated with the planning permission that restrict the gradient of the road slopes within the site to <5% as per the Recommendations for Site Development Works for Housing Areas (October 1998). Concerned that by permitting the entrance road into the development without the condition of enforcing the Department of Environment Guidelines for Road Gradients a precedence will be set for the acceptance of access roads with excessive gradients over excessive lengths elsewhere in Blarney.

- 6.1.15. **Structural Impacts of the Proposed Access Arrangement** - No consideration has been made to the structural impact that the proposed new junction will have on the adjoining properties either side of the proposed new access junction – namely No. 50 and No. 52 Monacnappa Estate. The demolition of No. 51 Monacnappa Estate and the provision of a new proposed access will result in potential structural impacts on the adjoining sites. This has not been considered by the Planning Authority and no mitigation measures or details have been offered by the applicant to address such issues. The proposal to provide boundary fences which consist of chain link fencing at the rear and side of properties is not an adequate boundary dividing for existing dwellings to the new proposed development. While Planning Authority have suggested a planning condition (No. 28) whereby full details of the retaining structures are provided in advance of the commencement of construction, such a

condition provides little comfort to the 2 adjoining properties in relation to the stability and safety of their boundary fences with the provision of the proposed access road. There is only 120cm between No. 50 Monacnappa and the boundary of the proposed access road.

- 6.1.16. **Foul Water and Storm Water Services** - Based on historical knowledge of the foul water system in Blarney, it is generally understood that the system is nearing capacity and requires upgrading to accommodate the existing and any future demand on the system. The proposed development will add additional demand on the existing facility which will have detrimental impacts. Further on the basis of the conflicting information, provided in the two reports prepared and submitted by the applicant, it is suggested that under the current proposal, and until further information is provided, that the foul and storm water sewer system cannot accommodate the demand envisaged from the proposed development without prior upgrade.
- 6.1.17. **Surface Water Run-Off** – Submitted that the planning decision permits the applicant to needlessly raise the height of the property above the finished floor height (different of 1.3m – 1.8m) of existing homes. The planning permission conditions do not go far enough to ensure flooding or water run-off will not occur to adjoining homes. Further the proposed topography of the development relative to existing development presents a flood risk to adjoining properties. The conditions attached to the planning permission do not go far enough to ensure flooding or water run-off will not occur to my home.
- 6.1.18. **Property Valuation** - The introduction of additional traffic movement and changes to the current residential character of the area adjacent to the proposed access to the development will have a significant impact on the valuation of adjoining properties.
- 6.1.19. **Future Development** – Concern raised that planning permission has been granted to allow for future development, namely the provision of a gap for future site access to the west of the proposed development. This land is not zoned for development in the local area plan. Further the farmland is not landlocked and can be accessed from the West.
- 6.1.20. **Relocation of Overhead Wires** - Submitted that there are no conditions concerning relocation of the high voltage overhead powerlines on site. These are located

underground in developments however; the drawings appear to indicate or imply overhead power lines running along the Castleowen boundary. Concern this will result in it being necessary to remove the tree line along this boundary as it will hinder progress of the network provider.

## 6.2. Applicant Response

- 6.2.1. The first party response has been prepared and submitted by McCutcheon Halley on behalf of the applicant and may be summarised as follows:
- 6.2.2. **Principle** - The proposal is for a new residential development on land which is zoned for residential use. The suitability in principle of these lands for housing has been reviewed and re-reviewed over a number of iterations of the Cork County Development Plan and associated Local Area Plans. These plans strongly support its development, as evidenced by the decision to grant planning permission by Cork County Council.
- 6.2.3. **Density** - The subject site is within the development boundary of Blarney and is zoned for medium density residential development under the R-02 zoning objective in the Blarney Electoral Area Local Area Plan 2011 (as amended). The Draft Blarney – Macroom Municipal District LAP proposes a medium ‘B’ density residential zoning on the subject lands. The proposed level of development was reduced to 78 no. units during the assessment of the application by the Council, returning the equivalent of 21 dwellings per hectare. The Ministerial Guidelines suggest that average net densities in the general range of 35 – 50 dwellings per hectare should be encouraged to make the most efficient and effective use of zoned lands. In this instance, and having full regard to the particulars of the subject site, it has been demonstrated that proposed development densities are wholly consistent with both the existing and emerging policy positions of Cork County Council.
- 6.2.4. **Residential Amenities** - The issue of opposing site levels is explored in detail in submitted sections A-A, B-B and C-C as part of the request for further information response. They demonstrate that minimum separate distances are adhered to and exceeded in many areas. Further the pronounced variation in levels and presence of intervening hedgerows, to be retained and supplemented, mitigates any potential for adverse impacts on the adjacent properties at Bracken Wood. Further the setback

distance between the appellants' house in Castleowen and No 74 of the new development will be 23.6 metres at first floor level (as per the guidelines) which is in excess of the referenced standard.

6.2.5. **Overshadowing and Daylight** - A shadow study was prepared for the northern and eastern boundaries to definitively model any potential impacts on adjacent areas from the revised proposed development. The findings of the study confirm that there will be no impact on neighbouring properties to the north of the site for the 21<sup>st</sup> June or 21<sup>st</sup> March/September dates. Impacts are evident for the 21<sup>st</sup> December low sun scenario, but the study confirms that this does not arise from the proposed bungalows, rather it stems from the steep embankment and existing treeline boundaries to the south of these properties. The houses in Bracken Wood were cut into the landscape to facilitate their construction, as acknowledged in the Third Party Appeal. The result is that rear garden levels to the south are compromised significantly in areas by adjacent natural ground levels.

6.2.6. **Traffic and Access** - It is submitted by the appellants that the proposal does not provide for satisfactory access. All matters relating to this and wider traffic aspects were addressed during the assessment of the planning application. The suggestion that the development will be served by a "narrow carriageway" with implications for existing estate capacity and safety are untrue and unsubstantiated. Access to the development is provided through the Waterloo Junction and Monacnappa Estate. In preparing the plan various meetings were held with the Local Authority. This land has been zoned for many years now and the access road through Monacnappa Estate was constructed in the 1980s (at widths of up to 9.5 metres) to accommodate future development in the area. With normal estate road widths typically 6 metres clearly the access road is more than sufficient to cater for the proposed development. Cork County Council "Making Places A Guide to Residential Estate Developments 2011" allows for a Type 3 Feeder Road to serve up to 700 housing units having a road width of between 5.5 metres and 6.0 metres. The Waterloo Junction is a very wide junction and is located in a 50km/hr zone. However, Cork County Council data indicates that currently 85% of traffic travels at a speed of 65km/hr. Accordingly, traffic calming measures were agreed for Waterloo Junction and are included in planning grant 16/7122. The consulting engineers believe that the traffic counts represent a conservative sample and are acceptable for use in the

traffic analysis. The data used in the TRICs database is also conservative as the location chosen reflects a low use in public transport and therefore high car dependency.

- 6.2.7. **Monacnappa Street Parking** - During the planning process current on-street parking habits were reviewed in detail. The demolition of No. 51 Monacnappa will reduce the on-street cars currently using the roadside. This is a low-density development and we believe that the construction of the access road will only have a minor effect on the parking habits of existing residence and the sightlines required will be maintained.
- 6.2.8. **Foul and Storm Water** - Detailed discussions have taken place with Irish Water, who have confirmed that there is adequate capacity in the receiving foul sewer network. A letter confirming this is enclosed as part of the O'Shea Leader Report in Appendix A. It is proposed to discharge surface water to the existing system at the entrance to the Bracken Wood Estate. The existing pipe network here has been surveyed and assessed and found to be in very good condition. This and the attenuation systems has been designed to the full satisfaction of Cork County Council's Engineering Department as recorded in the internal reports on the file.
- 6.2.9. **Landscape and Visual** - A review of this 2003 County Development Plan confirms the subject site was not "zoned as scenic landscape". The subject site exhibits positive character in respect of its natural assets i.e. undulating landscape of green fields with hedgerows. On the other hand, adjacent sites on three sides to the north, south and east have been developed as significant residential estates reflecting the planned expansion of the city suburbs in this area and the inevitable change in character that attends such planning objectives. While the proposed development will constitute an intervention on the greenfield site, change of this nature is an expected outcome of Cork County Council's Development Plan objectives and zoning for the site for residential development.
- 6.2.10. **Structural Stability** - A summary review of the structural approach to the development relative to adjacent properties is contained in the engineering report prepared by O'Shea Leader Consulting Engineers. The outputs of this analysis are presented in the report for key slope sections which confirm that loading caused by the proposed foundations will have no impact on slope stability at boundaries at

Bracken Wood, Monacnappa Estate and Castleowen to the south. It highlights the presence of setbacks from steep gradients in a number of the specified locations for strip foundations. The report also considers the proposed entrance to the development, including proximity to Nos. 50 and 52 Monacnappa Estate. It confirms existing foundations for these properties will not be impacted by excavations required to construct the new estate access road.

6.2.11. **Construction Management** – The Construction and Environmental Management Plan for the project is typically prepared and agreed with the Council prior to commencement of development once contractors are appointed and associated responsibilities assigned/delegated. Commitment is made by O’Leary O’Sullivan Developments Limited to prepare said Plan, as outlined in Section 6 of the submitted Infrastructure Report for the application. Outline proposals are set out in the O’Shea Leader report in Appendix A. As detailed in Section 7.10.2, it is proposed to manage construction deliveries by way of a one-way system entering from Glenview/Monacnappa and existing from Mangerton Terrace. As confirmed in the cut and fill assessment, a net cut of 910 metres cubed of material will be removed from the site, the equivalent of 65 lorry loads over a 4-year period which constitutes an imperceptible level of disruption.

6.2.12. **Requirement for Environmental Impact Assessment (EIA)** - The proposed development does not fall into a class of development listed in Annex I or Annex II of the EIA Directive (2011/92/EU) as a development which would require a mandatory EIA, as transposed under Schedule 5 of the Planning and Development Regulations, 2001 (as amended) and Article 172 of the Planning and Development Act, 2000 (as amended). Following a review of characteristics of the proposed development, the location of the project and type/characteristics of proposed impacts, strongly considered that the project would not warrant the preparation of a discretionary EIS. This position is supported in full by the local planning authority where it states that “the proposed development is not of a scale or nature to require EIA”.

6.2.13. **Future Development and Access to Unzoned Lands to West** - Concerns are raised that the design has been devised to leverage further access to as of yet unzoned lands to the west of the subject site. It is submitted that these lands are not in the control or ownership of the applicant, nor is there any expressed interest in



same. The layout of the scheme has been developed in full accordance with best practice design measures.

6.2.14. **Boundary Treatments** - Proposals are clearly annotated on the submitted site layout plans and sections, with a bespoke landscape plan also prepared for the proposal. There are no proposals to remove the existing boundary treatments for new homes that will back onto Castleown. As highlighted, applied Conditions 4 and 11 require the submission and agreement of all final landscaping measures, including boundary treatments to adjacent areas, with Cork County Council.

6.2.15. **ESB Wires** - Preliminary discussions have taken place with ESB Networks regarding the undergrounding of existing wires which traverse the site. A formal application will be made on receipt of planning permission for the proposed development, with the final routes agreed in full accordance with ESB standards. A protective fence will be erected around trees, outside root protection zones prior to any works as per BS 5837:2012.

6.2.16. The response was accompanied by the following:

- Engineering Report dealing with Bracken Wood, Monacnappa Estate, Castleown, Internal Road Gradients, Services, Construction Environmental & Waste Management Plan and emails from Irish Water.
- Engineering Drawings

### 6.3. **Planning Authority Response**

6.3.1. There is no response from Cork County Council recorded on the appeal file.

### 6.4. **Observations**

6.4.1. There are no observations recorded on the appeal file.

### 6.5. **Further Responses**

6.5.1. The first party response to the appeals was cross circulated to relevant parties. There are three further responses recorded on the appeal file from (1) HegSons Design Consultants on behalf of Monacnappa & Glenview Heights, (2) Robert Noreen McNamara, (3) Bryan & Nuala Carroll and (4) Jacinta & Donncha O’Caoimh

& Others. Generally, there is a continued strong objection to the scheme and concerns that issues raised by the third parties have not been addressed. It is further submitted that local support for the scheme is unsubstantiated. In addition to the contents of the submissions I would also draw the Boards attention to the site photos attached to these submissions and particularly those taken from adjoining properties.

6.5.2. The submissions may be summarised as follows:

- **Traffic & Access** – Concerns re traffic and access remain at Monacnappa and Bracken Wood. Issues of speed and safety have not been addressed. As a result of the roads gradient, an increase of 2 – 3 metres over and above the current ground level of No 52 Monacnappa would be experienced towards the rear of the properties. This is unacceptable.
- **Foul & Sewer Water** – History of problems with foul and waste water in the area. Without the provision of the details of the survey in the latest submission by the applicant, which would have provided all parties with the details of the assessment, the extent of the available capacity or the mitigating measures proposed to address any issue are unknown
- **Structural Stability** – No evidence of the impact of traffic and construction traffic on the Monacnappa and the impact of vibrations on the adjoining properties has been provided. Impact on boundary walls, embankments etc at No 50 and 52 Monacnappa has not been considered.
- **Construction Management** – One-way system with entrance through No 51 Monacnappa and exit via Mangerton Terrace. The Construction Management document is unclear and contradicts itself. It also suggests that the Monacnappa entrance would be able to accommodate construction vehicles yet all egressing vehicles would be via Mangerton Terrace which has been deemed unsuitable for two-way general traffic movements by Cork County Council. There is no mention of vehicle movements associated with demolition or the construction of development.
- **No 50 and 5 Monacnappa** - Particular reference is made to the impact to No 50 and 5 Monacnappa remain, loss of privacy, overlooking, devaluation of property values, road safety concerns, boundary treatment and parking.

## 7.0 Assessment

- 7.1.1. The proposed site, which is stated as 4.3 hectares in area, is located within the development boundary of Blarney. The application submitted to Cork County Council on 14<sup>th</sup> December 2016 was for the demolition of an existing dwelling house to facilitate access to the scheme and construction of 88 no. residential units, a crèche and all ancillary site development works including parking, footpaths, foul and storm water drainage (including the provision of a surface water attenuation tank), landscaping and amenity areas. The development includes the creation of a new vehicular entrance along the sites north-eastern boundary from the Monacnappa Estate and a new pedestrian/cyclist entrance along the sites southern boundary from Mangerton Terrace. The first party response to the appeal was prepared and submitted on 13<sup>th</sup> April 2017 amending the scheme down from 88 units to 78 units and associated site layout revision in “order to accommodate some of the Councils requests”. This amended scheme also provided bungalows along the northern boundary with Bracken Wood. A revised site layout plan showing the proposed revised site layout was received with alterations to the proposed units along both the northern and the eastern boundaries of the site shown. Accordingly, this assessment is based on the plans and details submitted on 14<sup>th</sup> December 2016 and 13<sup>th</sup> April 2017.
- 7.1.2. With reference to concerns raised regarding the adequacy of information available and the response to the further information request I would make the comment that that together with my site visit I am satisfied that there is adequate information available on the appeal file to consider the issues raised in the appeal and to determine this application. I would also point out for the purpose of clarity that the development proposed is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.

7.1.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application 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. However, I would add that in my view the two pertinent issues to be considered in this appeal is (1) density, which informs layout and (2) traffic impact and in particular the access proposal. While both issues are considered separately below the conclusion and recommendation is interrelated.

- Principle / Policy Considerations
- Density
- Residential Amenity
- Traffic Impact
- Conclusion
- Other Issues

## 7.2. Principle / Policy Considerations

7.2.1. The operative plan for the area is the Cork County Development Plan 2014 – 2020 and the Blarney – Macroom Municipal District Local Area Plan (August 2017). I would point out to the Board that since Cork County Council issued notification of decision to grant permission on 10<sup>th</sup> May 2017 the Macroom Municipal District Local Area Plan came into force on the 21<sup>st</sup> August 2017. This assessment is based on the policies and objectives as set out in the Cork County Development Plan 2014 – 2020 and the Macroom Municipal District Local Area Plan 2017. Prior to making its decision the Board may wish to seek comment from the relevant parties in relation to the recently adopted Macroom Municipal District Local Area Plan 2017 and its policies and objectives as they relate to the appeal site,

7.2.2. Under the provision of the Blarney – Macroom Municipal District Local Area Plan 2017 the appeal site is zoned BL-R-02 where the objective is to *provide for Residential Development*. Having regard to the zoning objective for the site I am satisfied that the principle of developing 78 residential units and a crèche at this location is acceptable.

- 7.2.3. In addition to the proposal to develop 78 units (as amended) the proposed development also comprises the demolition of No 51 Monacnappa Estate, a single storey habitable dwelling, in order to facilitate access to the scheme. The dwelling to be demolished is not listed in the record of protected structures and neither is it located within a designated conservation area. Further, the dwelling does not in my view, have any distinctive architectural merit and I do not consider that it makes any significant contribution to the area in terms of visual amenity, character, or accommodation type. Accordingly, there is no objection to the proposed demolition of this dwelling structures.
- 7.2.4. Having regard to the zoning objectives for the site I consider the principle of the proposed development to be acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### 7.3. **Density**

- 7.3.1. Concern is raised throughout the appeal that the density proposed is essentially too high for this site and that a lower density would be more appropriate. The appellants also draw a direct correlation between the density proposed and the potential impact of the scheme on adjoining residential amenity. Residential amenity is discussed separately below. It is noted that the residential estates adjoining the appeal site; Castletown to the south, Bracken Wood to the north and Monacnappa to the east can be categorised as medium density detached and semi-detached dwellings.
- 7.3.2. The applicant submits that the proposed level of development was reduced to 78 no. units during the assessment of the application by the Council, returning the equivalent of 21 dwellings per hectare. It would appear that this density is based on a “developable site area” of 3.6ha owing to the topographical constraints of the site rather than the stated site area of 4.3 ha. Based on a site area of 4.3 ha the amended scheme would give a density of 18 units / ha.
- 7.3.3. It is generally accepted in the interests of sustainability and the efficient use infrastructural investment that higher densities are to be encouraged in urban areas. According to the Blarney – Macroom Municipal District Local Area Plan 2017 Blarney is the only other major settlement aside from Macroom, located within the Municipal District with a population of 2,437 in the last Census. The ‘Sustainable Residential

Development in Urban Areas – Guidelines for Planning Authorities’ (DoEHLG, 2009) state that in smaller towns with a population ranging from 400 to 5,000 persons, edge of centre sites, such as this appeal site, development *densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation*. As set out previously the appeal site is zoned to provide for Medium B Density Residential Development. The approach to housing density in County Cork is set out in Table HOU 4---1 of the County Development Plan 2014 where medium “B” density ranges from a minimum net density of 12/ha to a maximum net density of 25/ha.

- 7.3.4. Having regard to the obvious topographical constraints associated with this site together with the amended proposal for 78 units at this location I am satisfied that a density of 21 units / ha as proposed is satisfactory at this location and is in compliance with the Cork County Development Plan 2014 – 2020, the Blarney – Macroom Municipal District Local Area Plan 2017 and the minimum requirements of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (DoEHLG, 2009).

#### **7.4. Residential Amenity**

- 7.4.1. It is submitted on behalf of the residents at Bracken Wood that the inclusion of single-storey dwellings to the north of the site will “remain problematic” in relation to potential impacts on them. They base this claim on the difference in site levels and perceived weaknesses in the submitted light study.
- 7.4.2. The applicant submits that the residential zoning on the subject site has existed (or a variant thereof) since 1986 and that the development in Bracken Wood obtained planning permission in 2001 and was built c.2003/2004. The applicant makes a valid point that prospective occupants of this estate would have had full knowledge of the very likely potential development of the appeal lands prior to their purchasing having regard to the legacy zoning objectives for the site. Generally, the presence of existing residential development should not preclude the sustainable use of what are zoned residential lands. However, in this particular case the changes in levels at the boundary are pronounced.

- 7.4.3. I note the applicant's commitment to providing separation distances in excess of standards together with a commitment to supplement the existing hedgerow in order to negate any potential for overlooking. While I agree with the applicant that all reasonable efforts have been taken to advance the sensitive development of the subject site relative to these properties to the north. However, it remains that the scale of the scheme and in turn the layout proposed are symptomatic of the topographical constraints of the site which in turn result in an unacceptable impact on adjoining established residential properties by reason of proximity and difference in site levels.
- 7.4.4. In my view to achieve the minimum density required at this site, using the typology proposed will result in unsatisfactory standard of residential amenity for future and existing occupants and result in an overbearing impact on adjoining properties. Refusal is recommended.

## 7.5. Traffic Impact

- 7.5.1. Detailed concerns are raised throughout the appeal with regard to the proposed access together with the impact of the proposed development on the existing road network. As set out previously the site is within an area zoned for residential development where specific zoning objective for these lands zoned BL-R-02 states as follows:

*Medium B Density Residential Development subject to **satisfactory access** to public road. (emphasis added).*

- 7.5.2. This is a landlocked, backland site surrounded by residential estates to the north, east and south with agricultural lands to the west. There is no direct access available from the site to the public road network. Following a series of engineering exercises the applicant identified the sites north-eastern corner as the most viable access point. Accordingly, vehicular access to the site is provided along the eastern boundary via Monacnappa Estate which exits onto Waterloo Road. This access will be facilitated by the demolition of the existing single storey dwelling house at No 51 Monacnappa. It is submitted that this point was chosen as it is the lowest point along this boundary necessitating less cut and fill to provide an access as well as ensuring gradients which are in line with the relevant guidelines. A designated

pedestrian / cycle connection is also provided at the south-eastern corner of the site onto Mangerton Terrace. This will ensure a direct connection with the town centre located approx. 300m to the south of the proposed scheme. The crèche is also located in this area to allow for access from adjacent residential estates. Submitted that the layout incorporates subtle changes of alignment and spayed junctions which will ensure lower vehicular speeds through the development. The proposed access junction will also operate as a simple T-junction.

- 7.5.3. It is stated that all road gradients are between 0.5% and 10% in compliance with the “Recommendations for Site Development Works for Housing Areas” published by the Department of the Environment. Due to the existing slopes on the site it is stated that it was necessary to incorporate a slope of 10% to the proposed entrance road for a distance of 85m. Submitted that the remainder of the entrance is no steeper than 8% and where houses are exiting into the estate roads a gradient of 5% is maintained. It is further stated that a cross fall of 2.5% shall be provided for all roads and footpaths; all driveways will comply with Part M of the Building Regulations and a minimum of 2 no car spaces shall be provided per dwelling.
- 7.5.4. There are currently approx. 105 houses between Monacnappa Estate, Glenview Heights and Bracken Wood and there is only one access point to the Waterloo Road and the wider Blarney area. The addition of 78 residential dwellings and a crèche would significantly increase the volume of traffic entering / existing Waterloo Road. Notwithstanding the detailed works proposed and associated information provided on file it remains that this is a backland site with a substandard road network serving the site, and where significant engineering works are required to provide access to the site. It is further considered that a slope of 10% for 85 meters along the only entrance to the site, serving 78 units and a crèche is wholly unacceptable. In addition, both the works required to facilitate access to the site together with the change of use from residential to a busy vehicular corridor between two established dwellings at no 50 and No 52 Monacnappa would have a detrimental impact on the residential amenities of the existing and future residents of these two houses.
- 7.5.5. It is considered, notwithstanding the proposed improvements, that the intensification of use which would be generated by the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users and have a detrimental effect on established residential amenities. Refusal is recommended.



## 7.6. Visual Amenity

- 7.6.1. Concern is raised with regard to the impact of the scheme on the heritage status of Blarney having regard to the elevated nature of the site and its proximity to the town centre. Overall I agree with the comments set out in the observation of Charles Colthurst prepared and submitted by Southgate Associations to Cork County Council on 26<sup>th</sup> January 2017 where it states that *the proposed development area is not within the Architectural Conservation Area [of Blarney], however given the unique status of Blarney Castle and its hinterland, development such as this will have an impact on how the village operates and on the historic character of the village.* It is further states that *the ridge of the site will be visible from the battlements of the castle where close to 500,000 visitors queue to kiss the Blarney Stone, taking in the local landscape and taking photographs.*
- 7.6.2. The density of any development at this location must be designed in such a manner as to mitigate any potential negative impact on the historic landscape. Having regard to the nature of the development proposed I do not consider that the visual impact of the scheme is so negative as to warrant a refusal in this instance. However any proposal to increase the density or change the typology proposed would require careful consideration having regard to the status of Blarney as a Heritage Town and any impact on same.

## 7.7. Conclusion

- 7.7.1. Notwithstanding the residential zoning objective for the site as set out in the Blarney – Macroom Municipal District Local Area Plan 2017 there are clear difficulties in balancing the Development Plan and Local Area Plan objectives for the site with the density requirements of the ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (DoEHLG, 2009). Particularly in delivering an efficient and sustainable development on these lands while also protecting existing and future residential amenities and ensuring traffic and pedestrian safety. This is further complicated having regard to the topographical constraints of this site. I am concerned that a “quick fix” to achieve the appropriate levels of protection for adjoining established residential areas would result in an unsustainable reduction in the density, a density that is already at the lower end of that recommended in the

Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (DoEHLG, 2009). In my view to reduce the density any further would be unacceptable.

- 7.7.2. In addition, and after careful consideration of all information available on the appeal file I consider the gradient of the proposed new access road through No 51 Monacnappa Estate together with the negative impact on the adjoining residential amenities of No 50 and No 50 Monacnappa by reason of proximity to an access road serving 78 residential units and a creche to be of such a significant scale as to bring into serious question the feasibility of providing access at this location in the first instance.
- 7.7.3. Given the particular difficulties with this site it is my view that it is also worth considering the site within the context of the overall land use zoning objectives for Blarney and how the development of this appeal site fits into the wider settlement strategy. The development of the Cork Suburban Rail Network with a station at Blarney resulted in a strategic shift in the functioning of Blarney and it is clear from the Local Area Plan 2017 that the main focus of development within Blarney is now on green field lands to the north east of the town centre adjoining this railway line in an area referred to as Stoneview. The LAP states that this site will accommodate a mixed use development to include at least 2,600 residential units, associated community facilities, a town centre, school sites, parks, a railway station and a park and ride facility and employment uses over a number of phases. It is further stated that allowing higher density development to be located in close proximity to the proposed railway station which fans out to Medium A and Medium B density residential development with some low density provision for serviced sites at points furthest from the railway line. The remaining units to be delivered will be accommodated in Blarney town and on the new Ringwood residential zoning to the east of the town where it will be an aim to ensure that new residential areas are located in close proximity to the services within the town centre. Accordingly, it would appear the development of the appeal site is not a priority in terms of the future urban expansion and housing delivery in Blarney as the main focus for development in the current LAP is Stoneview.
- 7.7.4. This is a difficult backland site to develop. While I appreciate that the site has legacy zoning for residential uses I cannot support the scheme as presented. Further I

cannot justify setting aside the statutory provisions of the Development Plan and the Local Area Plan 2017 together with requirements of the Residential Urban Housing Guidelines 2009 and recommend a lower density be provided in order alleviate issues of residential amenity. This does not mean that the appeal site is not suitable for development but it does mean that further careful consideration is required to balance the density requirements and safe access at this location with the protection on adjoining residential amenity and the heritage status of Blarney in terms of visual amenity. In my view a site specific development brief prepared by cork County Council may be necessitated to inform the future development of this site.

- 7.7.5. In conclusion and based on the proposed scheme (as amended) before the Board refusal is recommended on grounds of impact on residential amenity and traffic safety.

## **7.8. Other Issues**

### **7.8.1. Construction Impact**

- 7.8.2. I note the concerns raised in relation to construction traffic access and in particular the absence of a Construction and Environmental Management Plan for the project. It is submitted in two of the appeals that the proposed development could give rise to slope stability issues relative to adjacent lower level lands.

- 7.8.3. I refer to the “Draft Construction Environmental & Waste Management Plan” submitted with the planning application (Appendix A of the Infrastructure Report refers). It states that a final CEMP cannot be issued until all appropriate permissions have been granted and any further consultations being completed as required. Stated that proposed entrance for construction will be located on the site of the existing dwelling to be demolished.

- 7.8.4. Such concerns are an engineering issue and not a planning issue, whereby it falls to the applicant to ensure that no damage or deterioration occurs to adjoining properties. In this regard should the Board be mindful to grant permission for the proposed development I consider that a construction management plan should be submitted prior to commencement of development, in order to address construction management concerns. With the attachment of such a condition I do not consider

that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

**7.8.5. Infrastructure**

7.8.6. Concern has been raised throughout the appeal regarding infrastructure capacity, the attenuation tank, surface water disposal, increased risk of flooding from surface water run-off and the undergrounding of existing wires on site.

7.8.7. There is an existing storm, foul and utility services running adjacent to the site on the existing estate road and it is proposed to connect all services into this existing Cork County Council system serving the Bracken Wood / Monacnappa housing estate. The proposed watermain will connect to the existing watermain which traverse the south western corner of the site. The current proposal is to run the storm sewer by gravity to an attenuation tank which will discharge via a flow control device to the existing 300mm storm sewer located on the existing public road outside Bracken Wood estate.

7.8.8. No objections were raised by the Planning Authority in this regard. The applicant states that detailed discussions have taken place with Irish Water, who have confirmed that there is adequate capacity in the receiving foul sewer network. An email from Irish Water confirming *there is no concern with the discharge of foul wastewater from proposed development into the Irish Water foul wastewater network*. The email further states that *storm wastewater from the development will not be allowed to discharge to the foul wastewater network*. The proposed surface water system for the development is to be split into 2 no gravity systems (1) infiltration area and (2) attenuation tank which will discharge via a flow control device to the existing system at the entrance to the Bracken Wood Estate. This system discharges directly to the existing river. It is stated that the existing pipe network here has been surveyed and assessed and found to be in very good condition. This and the attenuation systems has been designed to the full satisfaction of Cork County Council's Engineering Department as recorded in the internal reports on the file. I am satisfied with the location of the proposed underground attenuation area and recommended that should the Board be minded to grant permission that a condition be attached requiring the full structural design for the attenuation to be

agreed in line with the requirements of Cork County Council prior to commencement of work on site.

7.8.9. With regard to the undergrounding of ESB wires on site which traverses the site it is noted that the applicant has been in discussion with ESB Networks regarding their undergrounding. It is stated that a formal application will be made on receipt of planning permission for the proposed development, with the final routes agreed in full accordance with ESB standards. I am satisfied that this matter can be dealt with by way of a suitably worded condition.

**7.8.10. Devaluation of Property**

7.8.11. I note that concern is raised regarding the depreciation in adjoining residential property values. The proposal is for a residential development on lands zoned for residential use where such developments is considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. The dwellings proposed are not considered to be a bad neighbour in this context and I do not therefore consider that to permit residential development at this location would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.

**7.8.12. Screening for EIA**

7.8.13. The current requirements for EIA are outlined in Part X of the Planning and Development Act, 2000, as amended and Part 10 of the Planning and Development Regulation 2001, as amended. The prescribed classes of development and thresholds that trigger a mandatory EIS are set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.

7.8.14. I am satisfied that the proposed development does not come within the scope of the classes of development requiring the submission of a mandatory EIS as set out in Schedule 5 of the Planning and Development Regulations 2001, as amended nor is it likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the of the Planning and Development Regulations 2001 (as amended). I am satisfied that the proposed development would not be likely to have significant effects on the environment such that an Environmental Impact Assessment is required.

#### 7.8.15. **Screening for Appropriate Assessment**

7.8.16. A Stage One Appropriate Assessment Screening Report for the proposed development has been prepared and submitted as part of the planning application. While there are no Natura 2000 sites identified within the boundary of the site the report identified one Natura 2000 site within a 15km radius of the site namely Cork Harbour Special Protection Area (Site Code 004030). This SPA is located approximately 10.6km south east of the appeal site. The general overall conservation objective of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. It is further noted from the NPWS Conservation Objective Series for the site that *this SPA overlaps with Great Island Channel SAC (001058) and that the conservation objectives for this site should be used in conjunction with those for the overlapping site as appropriate.*

7.8.17. In this instance the report identified a hydrological connection between the SPA and the proposed development in that the Blarney WWTP discharges treated wastewater into the River Shournagh and its tributary the River Martin indirectly, and that these in turn discharge into the Cork Harbour SPA via the River Lee. Therefore, the Cork Harbour SPA has a hydrological connection to the appeal site. However, because of the distance of the designated site from the proposed development and the lack of physical connection between them the report states that it is unlikely that the SPA will suffer from any indirect significant impacts as a result of surface water drainage or waste water discharge from the proposed development. The report concluded that the identified SPA is not likely to be significantly impacted by the proposed development.

7.8.18. Having regard to the nature and scale of the proposed development, the 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)) it is reasonable to conclude on the basis of the information available, 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. An appropriate assessment (and submission of a NIS) is not therefore required.

#### 7.8.19. **Future Development**

7.8.20. Concern is raised regarding further future development on lands to the west. It is noted that the scheme provides for potential future vehicular connections to adjacent agricultural lands to the west, via two points along the sites western boundary. It is my view that the appellant raises valid planning concerns with the regard to the future development of said lands. However, these lands are unzoned, and are out with the development boundary for the Local Area Plan. Any future development proposals at this location would be subject to the full rigours of the planning process be that the through the Development Plan making process and core strategy or through the planning application process.

## 8.0 Recommendation

8.1. Based on the above assessment I recommend that permission be **REFUSED** for the proposed development for the reason and considerations set out below.

## 9.0 Reasons and Considerations

1. The site is within an area zoned for residential development where it is the objective of the planning authority as expressed in the Blarney – Macroom Municipal District Local Area Plan (August 2017) to provide for *Medium B Density Residential Development subject to satisfactory access to public road*. This objective is considered reasonable. Having regard to the backland location of the site, the significant works required to provide access to the site and the gradient of the proposed access road serving the site it is considered, notwithstanding the proposed improvements, that the intensification of use which would be generated by the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users. Therefore, the Board is not satisfied that satisfactory access can be provided at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the backland and elevated location of the site relative to adjoining established residential developments together with the topographical constraints associated with the site and the steep sloping

boundaries adjoining existing residential estates particularly to the north it is considered that the scale of development proposed and proximity to adjoining established residential developments would result in overbearing impact on adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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**Mary Crowley**

**Senior Planning Inspector**

**18<sup>th</sup> October 2017**



## 10.0 Appendix A

### 10.1. Observers to the Planning Authority; Cork County Council

- 1) Bryan & Nuala Carroll
- 2) Jim & Catherine Bermingham
- 3) Ralph Quinlan
- 4) Charles Galway x 2
- 5) Eddie Thompson
- 6) John O'Driscoll
- 7) James & Maria Hartnett
- 8) Hugh O'Rourke
- 9) Kay Larkin
- 10) Mr & Mrs Tim O'Connor
- 11) Mr & Mrs Johann Hickey
- 12) Conor & Jennifer Lynch
- 13) Fergal O'Callaghan
- 14) John O'Shea
- 15) William & Christina Coughlan
- 16) Brendan & Mary Sorensen
- 17) Cornelius, Ian & Bridget O'Riordain
- 18) Jacinta & Donncha O'Caoimh
- 19) Robert & Noreen McNamara
- 20) Mary & Martin Cronin
- 21) Liam & June Scannell
- 22) Marie Buckley
- 23) Lasse Jakobsen

- 24) Kathleen, Liam, Philip & Alan Denny
- 25) James & Margaret Kelleher
- 26) Ian & Laura Hutchinson
- 27) Mary & Noel O'Connor
- 28) Brian & Una Nation
- 29) Helen McAuliffe
- 30) Darragh & Lorraine Murray
- 31) Sean & Jenny O'Connor
- 32) Bernie & Barry O'Connell
- 33) Barry looney
- 34) Eric & Zsuzsanna Cotter
- 35) Walter Sheehan
- 36) Ricky & Stacey Leisk
- 37) Tony & Patricia McCarthy
- 38) Daniel Costello
- 39) Christopher & Camel Burke
- 40) Ms O McCarthy
- 41) David Hickey on behalf of Castleown Residents Association
- 42) Bob Kenny & Maire Ni Mhurchu
- 43) StJohn & Maura Cremen
- 44) Dan O'Sullivan
- 45) Patrick D Hickey & Karen O'Mahony
- 46) Kevin & Anne Barry
- 47) Ellen Houlihan
- 48) Patrick Pyne x 2

- 49) Sean & Joan Lynch
- 50) Paul & Karen Kiely
- 51) Sarah Cunningham & Adam O'Connor
- 52) Ray & Margo Hurley
- 53) John & Paula Lane
- 54) Michael Walsh
- 55) Bernie O'Connell on behalf of Monacnappa & Glenview Heights residents Association
- 56) Liam Baylor
- 57) James Kearney
- 58) Monica O'Driscoll
- 59) Jim Linehan
- 60) Daire & Deirdre Donohoe
- 61) David & Catherine O'Brien
- 62) Colin & Cait Murphy
- 63) Thomas O'Callaghan
- 64) James Peckitt
- 65) John Tobin
- 66) Liam Scannell on behalf of the residents of Monacnappa, Castleowen & Bracken Wood
- 67) Charles Colthurst
- 68) Leonard & Lisa Murphy
- 69) Maria Hughes
- 70) Brian Nation on behalf of the Bracken Wood Residents Committee
- 71) Dara O'Sullivan