



An
Bord
Pleanála

Inspector's Report ABP-301179-18

Development	Construction of 6 semi-detached, two-storey, three-bedroom dwelling houses and associated site works.
Location	Corrin View Estate, Duntahane, Fermoy, Co. Cork.
Planning Authority	17/6341
Planning Authority Reg. Ref.	Cork County Council
Applicant(s)	Donal Relihan
Type of Application	Permission
Planning Authority Decision	Grant, subject to 28 conditions
Type of Appeal	Third party -v- Decision
Appellant(s)	Corrin View Estate Residents Association
Observer(s)	None
Date of Site Inspection	28 th June 2018
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located to the south west of Fermoy town centre within the town's western suburbs and to the south of the Duntahane Road. This site lies within a residential area with older housing in the Corrin View housing estate to the north and newer housing to the south off The Meadows distributor road. It is undeveloped and in use as a field with an improvised stable in its north-eastern quadrant.
- 1.2. The site is of rectangular shape and it extends over an area of 0.29 hectares. Corrin View housing estate rises in a southerly direction and so this site is in an elevated position in relation to this estate. It is the subject of a gentle gradient that falls across the site towards its north-eastern corner. The site is enclosed on three of its four boundaries by walls composed of either stone or concrete block. The remaining western boundary is denoted, in effect, by means of a timber post and rail fence, which runs on the site ward side of it. An agricultural gate set within this fence affords access to the site from the top of a lane, which runs north/south along the western edge of the Corrin View housing estate. This lane has been blocked towards its southern end. A footpath diversion onto the site has been formed around this blockage so that the lane can continue to function as a through route between the newer housing to the south and Duntahane Road to the north.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of 6 three-bedroomed dwelling houses, each of which would have a floorspace of 106.6 sqm. These dwelling houses would be laid out as 3 pairs of semi-detached dwelling houses around a short cul-de-sac, which would be accessed off the road which serves the Corrin View housing estate.
- 2.2. As originally submitted, the access to the site would have been sited towards the centre of the northern boundary. However, under further information, it was moved further to the east to avoid the loss of an existing mature tree on this boundary. The siting of the pair of semi-detached dwelling houses in the eastern portion of the site was also moved to a more northerly position.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information and clarification of this information, permission was granted subject to 28 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information and clarification of further information sought. Issues thereby addressed included legal matters with respect to the laneway to the west of the site, the siting and height of the proposed dwelling houses, the siting of the point of access from Corrin View Estate and footpath provision, the conservation of boundary walls, landscaping, and surface water drainage arrangements.

3.2.2. Other Technical Reports:

- Irish Water: No objection, standard observations.
- Heritage Unit: No objection.
- Conservation Officer: Following receipt of further information, no objection, subject to a condition.
- Area Engineer: Following clarification of further information, no objection, subject to conditions.
- Estates: Following clarification of further information, no objection, subject to conditions.
- Public Lighting: Following clarification of further information, design information and drawings for public lighting sought.

4.0 Planning History

- 95/1171: 6 dwelling houses and domestic garages: Permitted at appeal PL04.097308.
- Pre-application consultation occurred on 30th May 2017.

- Part V Exemption Certificate to shadow current proposal applied for.

5.0 Policy Context

5.1. Development Plan

Under the Fermoy Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the settlement boundary and in an existing built up area. Under Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 (CDP), development that supports in general the primary land use of the surrounding existing built up area is normally encouraged.

5.2. Natural Heritage Designations

Blackwater River SAC (site code 002170)

Blackwater Valley (Beech Wood) pNHA (site code 1797)

6.0 The Appeal

6.1. Grounds of Appeal

Corrin View Residents Association

- Concern is expressed that the integrity of Corrin View housing estate as one that is served by a single cul-de-sac be maintained and so, to this end, the access points in the western boundary of the site from the adjoining laneway should be blocked up prior to the commencement of any other development.
- Exception is taken to the first item of the Planning Authority's request for information, which identified the said laneway for a possible upgrade. The timing of this request disenfranchised the public. Furthermore, it was *ultra vires* as the majority of the laneway lies outside the site and the applicant's ownership and the applicant has no right of way over the remainder of this laneway.
- Any lighting of the laneway would have an adverse impact on the amenities of adjacent dwelling houses in terms of privacy and disturbance.

- Attention is drawn to draft condition 4. Exception is taken to the omission of any reference to the wall on the western boundary of the site and to any timetable for works to boundary walls.
- Attention is drawn to the need to re-route site services via the re-sited entrance to the site.
- Attention is drawn to draft condition 10 and the need to ensure that the proposal be integrated into the Corrin View Estate by bearing its name, i.e. Nos. 81 – 86 Corrin View Estate (inclusive).
- Attention is drawn to draft condition 11 and the reference to access roads plural: this should be changed to the singular.
- The capacity of existing sewers is questioned.
- The adequacy of sightlines at the proposed entrance is questioned.

6.2. **Applicant Response**

The applicant's response was disallowed as it was received outside the relevant statutory time period.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, density, and development standards,
- (ii) Visual and residential amenity,
- (iii) Access,
- (iv) Water, and
- (v) AA.

(i) Land use and density

- 7.2. Under the LAP, the site is shown as lying within the settlement boundary and in an existing built up area. Under Objective ZU 3-1 of the CDP, development that supports in general the primary land use of the surrounding existing built up area is normally encouraged.
- 7.3. The site is surrounded by housing and the proposal would entail its development for further housing. Thus, Objective ZU 3-1 would be met.
- 7.4. The site has an area of 0.29 hectares and the proposal is for the provision of 6 dwelling houses. The resulting density would be the equivalent of 20.69 dwellings to the hectare.
- 7.5. Viewed within its context, the site represents an infill site. Under the Sustainable Residential Development in Urban Areas Guidelines, density standards on infill sites should be set out in LAPs. The relevant LAP refers to Table HOU 4-1 of the CDP, which cites a range of 20 to 50 dwellings to the hectare for the suburbs of large towns, i.e. a population greater than 5000. These Guidelines also advice that a balance needs to be struck between “the reasonable protection of the amenities and privacy of adjoining dwelling houses, the protection of established character and the need to provide residential infill.”
- 7.6. The proposal would have a density at the lower end of the aforementioned range. However, as the site is relatively small and the character of the adjoining estates

would exhibit similar densities, I consider that the proposed one would be appropriate.

7.7. Each of the proposed dwelling houses would be of two storey form and they would provide 5 bedspace accommodation. Under Table 5.1 of the Quality Housing for Sustainable Communities Best Practice Guidelines, these dwelling houses would comply with the recommended floorspace standards. Externally, they would be served by ample private open space.

7.8. I conclude that the proposal would be appropriate from a land use perspective, it would exhibit a satisfactory density, and it would meet relevant density standards intended to ensure that the amenity afforded to future residents would be adequate.

(ii) Visual and residential amenity

7.9. The proposed dwelling houses would be of conventional design and appearance and they would be sited in a manner that relates well with adjacent existing dwelling houses to the east and to the north of the site. The ridgelines of these dwelling houses would be consistent with one another. Under further information, they were reduced in height by means of an easing in the roof pitch from 35 to 30 degrees. Consequently, they would be only slightly higher than the nearest two storey dwelling houses to the north on Corrig View and similar in height to the nearest two storey dwelling houses to the south. Given that Corrin View rises towards the site, I consider that the said difference in height would be visually coherent with this housing estate.

7.10. As revised, the proposal would entail the retention of a prominent mature deciduous tree on the northern boundary of the site beside the adjoining estate road. The existing boundary treatments to the site would be retained apart from on the western one, where a timber post and rail fence would be replaced with an 1800 mm high capped concrete blockwork wall. Either side of the access point would be laid out as grassed areas and landscaped borders would accompany the short cul-de-sac and its turning head. The private garden areas would be the subject of native tree planting, too.

7.11. Under further information, the applicant submitted a photographic survey and assessment of the historic stone wall that surrounds the greater portion of the site. This assessment provides a commentary on the condition of the wall, with

recommendations for its repair and, in particular, the removal of vegetation that is attached to it.

- 7.12. The Planning Authority's draft condition 4 requires that the aforementioned recommendations be implemented. The appellant requests that this condition be anchored in time. I consider that a modification to it requiring that the said implementation take place prior to the commencement of occupation of any of the dwelling houses would, thus, be appropriate.
- 7.13. Also, as revised, the pair of semi-detached dwelling houses in the eastern portion of the site were re-sited further to the north, in a bid to ease the relationship that would ensue between the nearest of these dwelling houses to the nearest existing dwelling house to the east. As a consequence, any overshadowing of the former upon the latter would be limited and compatible with residential amenity.
- 7.14. Elsewhere on the site the separation distances that would arise between proposed dwelling houses and corresponding existing ones would comply with normal standards designed to safeguard neighbour privacy. Likewise, the separation distances on-site would do so, too.
- 7.15. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(iii) Access

- 7.16. The proposed vehicular and pedestrian access to the site would be through an opening in the wall along the northern boundary beside the estate road to Corrin View. This access would serve a short cul-de-sac, which would terminate in a turning head.
- 7.17. The appellant expresses several concerns with respect to access. The adequacy of sightlines at the proposed access point is questioned and the need to avoid the establishment of a through route is emphasised. The appellant also expresses concern over the first point of the Planning Authority's request for further information, which sought an upgrade in the lane to the west of the site including the provision of public lighting that would have amenity implications for local residents.
- 7.18. During my site visit, I observed that the proposed access point would be served by reasonable levels of visibility both to road users approaching this point and to road

users exiting from it. In particular forward visibility would be available to approaching road users coming up towards the access point and rounding the bend at the top of the incline, due to the presence of a low wall and railings around the front boundary to the grounds of the dwelling house opposite.

- 7.19. During my site visit, I also observed that the lane to the west of the site has been blocked towards its southern end. Nevertheless, it continues to provide a through route between Duntahane Road to the north and the new housing to the south of the site, as an informal diversion around the blockage has been formed. This diversion encroaches onto the applicant's site.
- 7.20. The applicant responded to the aforementioned first point by stating that he does not own any of the lane, but that he does have a right of way onto it for maintenance purposes. He has no objection to the County Council seeking to upgrade this lane.
- 7.21. I note that under the proposal the existing informal diversion would cease to function as the land in question would be incorporated within the development. I note, too, that the corollary of such incorporation would be that the lane would cease to provide a through route and so the matter of its blockage would, presumably, come to a head. This would not be an issue for the applicant to resolve, but rather for the County Council to attend to.
- 7.22. The submitted plans do not show any through route being established within the site. They do show the retention of a gateway in the south western corner, but this would simply allow private access between a rear garden and the southern tip of the lane and so no public route would arise.
- 7.23. The appellant requests that the addresses of the proposed dwelling houses be that of Corrin View, with an extension in the existing numbering scheme for this estate, in a bid to integrate one with the other. Addresses are normally a matter for the Planning Authority to decide upon and so a condition to this effect would be the appropriate means of dealing with this matter.
- 7.24. I conclude that the access arrangements for the proposal would be satisfactory.

(iv) Water

- 7.25. The proposal would be served by the public mains water supply and the public sewerage system. The appellant raises concerns with respect to the capacity of the

public sewerage system. However, Irish Water has raised no objection to the proposal.

- 7.26. The proposal would be served by an on-site surface water system, which would utilise a soakaway underneath one of the communal grassed area for the cul-de-sac and individual soakaways in each of the house plots.
- 7.27. The site has not been identified by the OPW as being at risk of flooding.
- 7.28. The proposed water supply and foul and surface water drainage arrangements for the site would be satisfactory.

(v) AA

- 7.29. The site is not in a Natura 2000 site. The nearest such site is the Blackwater River SAC (site code 002170). A source/pathway/receptor route between the site would exist via the public sewerage system and the Fermoy WWTP. However, as this WWTP has sufficient capacity for the loading that would be generated by the proposal, no significant effect upon the Conservation Objectives of this SAC would arise.
- 7.30. Having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020 and the Fermoy Municipal District Local Area Plan 2017, it is considered that, subject to conditions, the proposal would be appropriate in terms of land use, density, and development standards. It would be compatible with the visual and residential amenities of the area and it would be capable of being accessed and serviced satisfactorily. No Appropriate Assessment issues would arise. The proposal would thus accord 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 14th day of December 2017 and by the clarification of these plans and particulars submitted on the 25th day of January 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual 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. The internal road network serving the proposed development and the proposed new footpath along the site's frontage with Corrin View shall comply with the detailed standards of the planning authority for such road works.

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

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. All new boundaries between rear gardens shall be denoted by means of 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

Reason: In the interest of residential and visual amenity.

8. Prior to the commencement of occupation of any of the dwelling houses, the recommendations of the Photographic Survey and Assessment on Historic Wall submitted to the Planning Authority on 14th day of December 2017 shall be fully implemented.

Reason: To ensure the proper conservation of this structure.

9. Proposals for a street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

11. The landscaping scheme shown on drg no. RFI-4 (current revision 19th January 2018 r004), as submitted to the planning authority on the 25th day of January 2018 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local

authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12. 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/demolition waste.

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. The developer shall pay to the planning authority a financial contribution of €9786 (nine thousand seven hundred and eighty-six euro) 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. The application of any indexation required by this condition 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.

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.

Hugh D. Morrison
Planning Inspector

1st August 2018