



An
Bord
Pleanála

Inspector's Report ABP-302283-18.

Development	A residential development consisting of 40 no. dwelling houses and all associated ancillary development works including access, parking, footpaths, drainage, landscaping and amenity areas.
Location	Minister's Cross, Model Farm Road, Carrigrohane, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	18/4161.
Applicant(s)	Cortica Property Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Multiple Third Party.
Appellant(s)	Linda & Stephen Ferriter Hilda O'Shea.
Observer(s)	None.
Date of Site Inspection	16/01/2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site lies approximately 2km to the east of Ballincollig town centre in the townland of Carrigrohane, and approximately 1km to the west of the development boundary of Cork City. The site is accessed off Model Farm Road to the north and also has road frontage along Carriganarra Road to the east. To the south of the site lies The Rectory, which is a private home listed as a building of regional importance in the NIAH.
- 1.2. To the west of the site significant residential development has occurred with a residential development currently under construction to the northwest of the proposed development site. The existing site is currently under grass while the lands to the immediate north, and across the Model Farm Road, are agricultural. To the west of the junction of Model Farm Road and Carriganarra Road, there is an extensive ribbon of one off housing with a further ribbon of large detached residential development along the Carriganarra Road.
- 1.3. The site boundaries currently comprise trees and hedgerows.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 40 no. dwelling houses and all associated ancillary development works including access, parking, footpaths, drainage, landscaping and amenity areas, all at Minister's Cross, Model Farm Road, Carrigrohane, Co. Cork.
- 2.2. The proposed development provides for 2 and 3 storey buildings with 17 no. 5 bed detached units, 11 no. 4 bed detached units, 10 no 4 bed semi-detached units and 2 no. 3 bed semi-detached units.
- 2.3. The submitted application includes the following documents and reports:
 - Plans and particulars
 - Planning Report
 - Part V Costs & Methodology
 - Tree Survey

- Landscape plan and details
- Engineering Report.

The Board will note that a pre-connection enquiry letter from Irish Water was submitted by way of unsolicited further information after the application was lodged with Cork County Council.

In addition, the applicant proposes to comply with Part V requirements through the provision of four off site units as the proposed dwellings are not considered suitable for social and affordable housing. The four off site units will be provided within the Ballincollig area.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 48 no. standard conditions.

Permission was granted for 36 houses as follows:

Type	Unit Type	Floor Area	No
A1	2 storey detached 4-bed	206m ²	2
B	2 storey detached 4-bed	182m ²	3
B1	2 storey detached 4-bed	182m ²	1
B2	2 storey detached 4-bed	179m ²	2
C	3 storey detached 5-bed	239.3m ²	7
C1	3 storey detached 5-bed	220.14m ²	2
C2	3 storey detached 5-bed	217.68m ²	1

D	2 storey semi- detached 4-bed	172.86m ²	8
D1	2 storey semi- detached 4-bed	172.08m ²	4
E	2 storey terrace 3 bed + study	Mid: 128m ² End: 142.4m ²	3 2
F	Dormer detached 4-bed	196m ²	1

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report concludes that the proposed development accords with the zoning objective afforded to it and as such, would be consistent with the proper planning and sustainable development of the area in principle. Further information is required relating to a number of issues. Following receipt of the response to the FI request, the Planning Officer considered that a number of issues remained outstanding and clarification was sought.

Following receipt of the response to the clarification, the Planning Officer considered that all issues raised in the FI request had been adequately dealt with or can be dealt with by way of condition. The Planning Officers recommends that a number of revisions are required by way of condition and that the number of houses to be permitted be reduced to 34.

The Senior Executive Planner considered the Planning Officers report and concluded that there was no need to further omit units, being unit 16 and 19, and recommends that permission be granted for 36 residential units subject to conditions. The recommendation of the SEP to grant permission for the proposed development forms the basis of the Planning Authority's decision to grant subject to conditions.

3.2.2. Other Technical Reports:

Public Lighting Section: Further information initially required.

Following receipt of the response to the FI and Clarification requests, the Public Lighting Section of Cork County Council required clarification with regard to a number of issues.

Housing Officer: The proposal to comply with Part V through the provision of four off site units is considered acceptable.

Estates Section: Further information initially required. Issues raised in relation to roads and footpaths, water services, public lighting, open spaces and boundary treatments.

Following receipt of the response to the FI request, the Estates Section of Cork County Council required clarification with regard to a number of issues. Following receipt of the response to the clarification request, the Estates Section of Cork County Council recommended permission subject to conditions.

Area Engineer: Further information initially required. Issues raised in relation to internal layout, roads and footpaths, parking, open spaces and boundary treatments.

Following receipt of the response to the FI request, the Cork County Council Area Engineer required clarification with regard to a number of issues. Following receipt of the response to the clarification request, Cork County Council Area Engineer recommended permission subject to conditions.

Environment Report: No objections subject to conditions.

3.2.1. Prescribed Bodies:

Irish Water: No objection subject to conditions.

Inland Fisheries Ireland: No objection to the proposed development discharging to the public sewer provided that Irish Water signifies that there is sufficient capacity so that it does not overload the system either hydraulically or organically or results in polluting matter entering waters. If this is not in place, the applicant should provide a separate treatment and disposal option until public facilities are adequate.

3.2.2. Third Party Submissions:

There are 5 no. third party submissions in relation to the proposed development. A number of the submissions note no objections in principle to the proposed development and issues raised are summarised as follows:

- Overlooking of existing residential properties.
- Impact of overshadowing and blocking of light.

- Impact on existing privacy currently enjoyed.
- Proximity of houses to boundaries and potential impact on tree roots.
- Boundary treatments proposed inadequate for security and would be out of character with all existing local boundaries. The submitted tree report omits reference to several traditional hedge row plants, including a Damson Tree
- Roads and traffic safety issues raised including lack of pedestrian facilities.
- Lack of local amenities and facilities in the area.
- There is no public sewer or storm water system in the area with existing houses being served by septic tanks or proprietary waste water treatment systems.
- The density and house types are out of keeping with the local area.
- The development is premature pending improvements to infrastructure including roads, water, sewerage, wi-fi.
- Question raised as to whether the applicant has sufficient legal interest to make the application.

4.0 Planning History

There is no relevant planning history relating to the subject site.

There is clear evidence of development pressure for one off houses to the east of the site towards Cork City and the most recent permission for development in the vicinity of the site is to the north as follows:

ABP ref PL.04.247183 (PA ref 16/4484): Permission granted for the construction of 19 no. dwellings.

5.0 Policy Context

National Policy / Guidelines

5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

- 5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:
- quality homes and neighbourhoods,
 - places where people actually want to live, to work and to raise families, and
 - places that work – and will continue to work - and not just for us, but for our children and for our children’s children.
- 5.1.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.1.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:
- compliance with the policies and standards of public and private open space adopted by development plans;
 - avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
 - good internal space standards of development;
 - conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
 - recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and

- compliance with plot ratio and site coverage standards adopted in development plans.

5.2. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.3. **Development Plan:**

- 5.3.1. The Cork County Development Plan 2014 is the statutory Development Plan for County Cork. Chapter 3 of the County Development Plan deals with housing. The subject site is located within an area which is included in the Ballincollig Carrigaline Municipal District Local Area Plan, 2017.

5.4. **Ballincollig Carrigaline Municipal District Local Area Plan 2017**

- 5.4.1. The subject site is located within the boundaries of the Ballincollig Carrigaline Municipal District Local Area Plan, 2017. The site is zoned for residential purposes. This zoning has the following specific development objectives:

- BG-R-03: Medium A density residential development.

- 5.4.2. The subject site is also identified as being located within a Strategic Land Reserve, SLR7 Ballincollig East-Carrigrohane which has a gross area of 223.9ha. Section 1.7.26 of the LAP states as follows in relation to the identified 6 SLR sites:

However, as all sites have matters to be considered in detail, it is recognised that detailed assessment is required, including consultation with landowners and state agencies. On this basis it is proposed to retain all the original 12 no.

SLR sites for further detailed assessment, before preparation of site appraisals and development briefs for consideration by Development Committee. The assessment will include Habitats Directive Assessment and Strategic Environmental Assessment so that full account is taken of environmental and ecological issues.

5.5. Natural Heritage Designations

The subject site is located at a distance of approximately 12km from the nearest cSAC, Great Island Channel, cSAC Site Code 001058, and 10km from the Cork Harbour SPA, Site Code 004030. The site is not located within any designated site.

5.6. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

There are two valid third party appeals relating to the proposed development from Linda & Stephen Ferriter and Hilda O'Shea. The issues raised reflect those submitted to the Planning Authority during its assessment of the proposed development. The grounds of appeal are summarised as follows:

- The PA requested that houses on the western side of the site should be 11m from the boundary. The permitted layout proposes house no 15 at 2.378m from the boundary. It is requested that the 11m minimum be required.
- The proposed development, and in particular house no 19, which is practically on the party boundary and would overlook adjacent property.

- The development as permitted would impact on an existing outbuilding associated with the Glebe, in terms of structure, light, overshadowing and aspect.
- Houses nos 19 and 20 will impact on the vista to Glebe house.
- The rear gardens for a number of the houses are inadequate.
- Boundary treatments raised as a concern in terms of impacts on mature trees.

Both appeals request that their concerns are considered.

6.2. Applicant Response

The applicant has submitted a response to the third party appeals. The response is summarised as follows:

- The subject site is zoned for residential purposes and all conditions relating to boundary treatment will be agreed with the Planning Authority as required. Existing mature boundaries are proposed to be retained where possible and protected.
- The layout of the proposed development was altered several times to minimise the impact of the proposed development on adjoining lands.
- A change of use of the outbuilding to residential as proposed will require the benefit of planning permission. The building is not readily visible from the proposed development site and as it is located to the south of the proposed development, it will not be impacted as suggested.
- Units 20 and 21 were designed to have no opposing first floor windows and will not overlook the Glebe lawn.
- In terms of the western boundary, the as permitted layout provides for the gable of unit no 15 to face that boundary. The original proposal to have the unit back to back with the adjacent property has changed.
- The separation distance between the gable of no 15 and the adjacent house is between 24-27m and there are no opposing windows.

- It is proposed to retain the existing mature boundary and install a 1.8m high post and panel fence and therefore, the development will not impact on the adjacent house.
- The overall scheme is designed with significant consideration to the existing mature and substantial boundary treatments, which are to be retained as part of the development.
- A post and panel fence is to be installed rather than a wall to protect the tree roots. The permitted scheme will not result in the impact or loss of any existing mature trees and will not impact on their roots.

It is requested that permission be granted for the proposed development.

6.3. Planning Authority Response

The Planning Authority did not respond to this appeal.

6.4. Observations

None

6.5. Further Responses

Both third party appellants submitted a response to the First Party Response to Third Party Appeals but they were returned having been received outside the appropriate period.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the proposed development
2. Roads & Traffic
3. Water Services
4. Other Issues
5. Appropriate Assessment

The Board will note that the layout of the proposed development was altered a number of times during the Planning Authority's assessment. In terms of a *de-novo* assessment of the proposed development before the Board, I would note that I have examined in detail all aspects of each proposed layout as presented on the file.

7.1. Principle of the proposed development:

- 7.1.1. The subject site is located on the edge of a built up area of Cork County Council approximately 1km to the west of the Cork City Council boundary and on lands zoned for residential purposes in the most recent Ballincollig Carrigaline Municipal District Local Area Plan, 2017. The site can connect to public services and as such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies.
- 7.1.2. The Sustainable Residential Development in Urban Areas (DoEHLG), 2009 Guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. As previously advised, the development originally proposed the construction of 40

dwelling units, with the final iteration proposing 36 houses, on a site covering approximately 1.815ha and in terms of the recommendations of the Guidelines, the density is considered to be at the lower levels permissible on such zoned lands.

7.1.3. In terms of the proposed mix of units, the Board will note that the development proposes 19 detached dwellings, 6 pairs of semi-detached houses (12 in total) and a terrace of 5 houses. Given the high level of detached houses proposed, the density of the development is low. Overall, and in terms of the mix of the proposed houses, the following is relevant:

Unit type	Number	%
3 bed	5	13.9%
4 bed	21	58.3%
5 bed	10	27.8%

Having regard to the nature of site and its location within the context of the primarily low density residential area, I have no real objection to the proposed lower density or house types proposed.

7.1.4. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.1 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

In terms of private open space, the Board will note that proposed development layout, as permitted, provides for the majority of rear gardens generally having a depth of +10m, but with a number below this figure. The issue of private open space was raised by the Planning Authority at further information and the development was amended to attempt to address the concerns. The final, permitted, layout retains houses with rear gardens less than 10m in depth.

Notwithstanding the effort to achieve an appropriate density for the overall site, I have some concerns regarding the layout of the site and in particular, the poor provision of private open space for a number of the units. Of note are the terraced units and the detached dormer house located along the northern boundary of the site. A number of these houses will have rear gardens below 11m in depth, with house no 1 having a rear garden of less than 8m in depth. While I acknowledge that the units appear to have an appropriate open space area afforded to them, I am concerned about the quality of the space given the overall height of the houses and the fact that they back onto the Model Farm Road.

Also, in calculating the private open space, the applicant has included the areas to the side of the houses. I do not consider this appropriate and Section 7.8 of the Guidelines indicates that the area of private open space is to be behind the building line. In this regard, I would not accept the calculated private open space figures presented on the site layout map, as submitted to the Planning Authority on the 4th of May, 2018.

In addition to the above, I do not consider the proposed siting of units nos 19, 20 or 21 is appropriate. Their proximity to the southern boundary of the site, and the mature tree line which contributes to this boundary, will result in a poor quality private open space area for the houses in terms of light and overshadowing. The potential for impact on the amenity for future residents may result in the loss of trees at this location. I also consider that the layout of these units, appear to be disjointed in the context of the wider development.

With regard to public open space, the proposal as amended and permitted, provides for four areas of open space to be located throughout the development. The primary open space area, 1,377m² is to be located to the west of the entrance and the estate road, with a smaller area, 448m² located to the south of the estate road. These areas of open space are centrally located within the site. A further linear area of open space, 874m², is proposed along the eastern boundary, with an area of 621m² proposed along the western boundary of the site. The areas to the south and to the east have been identified as neighbourhood play areas while the main central open space area is indicated as including an informal kickabout area.

The subject site is a greenfield site on the edge of a built up area and as such, the Guidelines require a minimum of 15% of the site be dedicated to public open space. The County Development Plan requires 'at least 12% to 18% of a site for development, excluding areas unsuitable for house construction should be allocated to the provision of public open space.' The applicant indicates that the proposed open space provides for 3,320m² equating to 18.29% of the total site area and access to the open space is achievable without the requirement to cross a road in relation to a large number of residential units.

I note the concerns raised by the Planning Authority regarding the proposed layout of the site in terms of compliance with the Councils Recreation and Amenity Policy, which requires 1 point per 6 units. The development has a requirement therefore to provide 6 points to satisfy the policy. The policy requires that a minimum of 30% of the required points shall be satisfied by the provision of on-site facilities with the remainder of the points requirements being satisfied elsewhere or where appropriate, a cash equivalent may be accepted by the Local Authority. The proposed development seeks to provide 2 neighbourhood play areas, 1 point each, and two kickabout areas.

Overall, I am satisfied that the amount of proposed open space is acceptable in principle. However, I am concerned that the layout, and in particular the siting of the proposed houses along the southern boundary, nos. 19, 20 and 21, has not had due regard to the presence of existing mature trees on the site boundary. The potential impact on future residential amenity by reason of overshadowing and impact on light, is a real concern and as such, should the Board be minded to grant permission, these units should be omitted.

b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

The subject site is zoned for residential development and as such, the principle of the development is considered acceptable. In terms of potential impacts on the amenities of existing neighbours, the subject site forms a boundary on the west and south with existing residential developments and roads to the north and east. The house to the south of the site is the Rectory /

Glebe House. This is a private residence which is identified in the NIAH as a regionally important building. I have raised concerns above in relation to the siting of houses nos 19, 20 and 21 and the potential impacts on the tree lined boundary of the site with the Rectory site. I consider that if permitted as proposed, these units will have a significant adverse impact on the existing amenities of the house to the south, including both front and rear garden spaces and the mature trees which exist in this area.

In terms of the potential impacts on the houses to the west of the site, I note the original concerns raised by the Planning Authority in terms of separation distances between the proposed houses and the site boundary. I have considered this issue and would accept that the location of proposed house no 1 is acceptable given that it is located gable to gable with the existing house to the west, and with sufficient separation between the house and the boundary. The dormer windows however, should be replaced with rooflights in the interests of residential and visual amenity. In terms of the proximity of proposed house no 15, I would consider it acceptable given that there is a minimum of 25m between the existing house and the gable of the proposed house. In addition, I note the existing boundary of the site at this location, which will reduce any potential for overlooking. I have no objections to these elements of the proposed development.

I will address issues relating to roads and services further below.

c) Good internal space standards of development;

The proposed development provides for houses only and no apartments. The house designs presented provide for large family homes all of which provide for good internal space standards.

d) Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;

Given the nature and scale of the proposed development, I am satisfied that the development is reasonably considered as being acceptable in principle, given the zoning afforded to the subject site.

- e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*

There is no protected structure or Architectural Conservation Area in proximity to the subject site. However, The Rectory / Glebe House, a private residence which is identified in the NIAH as a regionally important building, is located to the south of the subject site. While the lands associated with this building are also included in the wider residential zoning for the area, Policy HE 4-2 of the Cork CDP is considered relevant as it deals with the Protection of Structures on the NIAH and Policy HE 4-3, which deals with the Protection of Non-Structural Elements of Built Heritage where it is the policy of the Council to 'protect important non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, and street furniture. The Council will promote awareness and best practice in relation to these elements'. I consider that the development as proposed will significantly and adversely impact upon the setting and character of the Rectory, and in particular, the tree lined boundaries.

It is the submission of the owner of the Rectory / Glebe House, that the proposed development will impact on the existing amenities of their property, and while there is no objection in principle to the proposed development, concern is raised regarding the location of proposed units 19 and 20. I have raised similar concerns above and recommend in the event of a permission, proposed units 19, 20 and 21 should be omitted to protect the character and setting of the NIAH building.

- f) *Compliance with plot ratio and site coverage standards adopted in development plans.*

The Cork County Development Plan provides guidance in terms of site coverage and density and having regard to the nature of the subject site, I am satisfied that the proposed development is acceptable in terms of site coverage and plot ratio.

- 7.1.5. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable

manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surround area and existing residential estates. The development proposed 40 residential units – 36 permitted - in the form of large family homes ranging from 3-5 bedrooms in detached, semi-detached and terraced houses.

- 7.1.6. Having regard to the above, and acknowledging that the current Local Area Plan for the area zones the lands for residential development, I consider that the principle of the proposed development is acceptable. The layout of the proposed development is a concern however, in terms of the provision of open space and the potential impact of the development on the existing residential amenities and setting of the Rectory, NIAH building, located to the south of the site. These issues can be dealt with by way of conditions of permission.

7.2. Roads & Traffic:

- 7.2.1. Access to the subject site is proposed over the existing road network and directly from Model Farm Road. The proposed entrance is to be located approximately 120m to the west of Ministers Cross and the development proposes to set back the existing boundary and install a two metre footpath around the perimeter of the development site. While sight distances at the proposed entrance were raised as a concern by Cork County Councils area engineer initially, I am satisfied that the proposed entrance as detailed on drawings submitted on the 19th June, 2018 are acceptable. In achieving the required sight lines, it is noted that the development will result in the extensive removal of the existing mature roadside boundary. In addition, there will be a requirement for a retaining type wall and there are potential visual implications associated with these actions. I will address these issues further below. I also note that the developer is to provide a pedestrian crossing to the existing bus stop located to the northwest of the site, and across the Model Farm Road. This is welcome and details should be agreed with the Planning Authority prior to the commencement of any development on site.
- 7.2.2. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate

between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.2.3. DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, placed-based, self-regulations streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent on site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;

- Catering for and promotion of higher levels of pedestrian movement;
- A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

7.2.4. DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design - omit left turn slips and staggered crossings etc.- and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, the applicant has sought to design the internal roads of the proposed estate to ensure compliance and to a design speed of 30km/ph. I consider this to be excessive given the nature of the proposed residential development and the proposals to use shared surfaces. Should the Board be minded to grant permission, I recommend that the road design be amended to a design speed of maximum 20km/ph. The submitted layout provides for a combination of shared surfaces and traffic management systems, including pedestrian crossings and raised tables, have been provided. Notwithstanding these inclusions, I consider that the design standards have not been fully applied with particular regard to the priority hierarchy. In addition, I note the outstanding concerns relating to public lighting for the development.

7.2.5. In terms of parking, the Board will note that the Planning Authority considered that there was a deficit of spaces originally proposed. Appendix D of the County Development Plan provides for parking and cycling standards and 2 spaces are required to be provided per dwelling. The layout as permitted provides for parking in accordance with the Development Plan requirements and an additional 7 visitor parking spaces throughout the development. Having regard to the size of the houses proposed, it may be considered that the parking provision is inadequate. However, I consider the proposal complies with the stated development plan requirements.

7.2.6. In terms of the construction phase of the proposed development, I accept that there will be some impacts to existing road users. However, I am satisfied that these impacts are generally temporary in nature. The Board will note that the zoning of the subject site, affords potential for a residential development. In terms of general roads

and traffic issues, and acknowledging the third party submissions in this regard, I am satisfied, based on the information submitted to date, that the potential impact of the proposed development and the traffic generated by same on the local road network, subject to conditions, would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider area and the carrying capacity of Model Farm Road by reason of the additional traffic resulting from the proposed development.

7.3. Water Services

The proposed development will connect to existing services which serve the wider area. The public system appears to have adequate capacity to accommodate the proposed development and Irish Water has indicated no objections on these grounds.

In terms of waste water, the development will be served by gravity to a pumping station, to be located in the north eastern corner of the site, and will discharge to the existing public sewer at Church Hill. I note from the Irish Water correspondence with the applicant that it will be necessary to extend the wastewater network by approximately 62m to service the site. Such matters will be required to be agreed between Irish Water and the developer prior to the commencement of any development on the site and can be dealt with by way of condition.

In terms of surface water, the storm sewer will run via gravity to an underground attenuation tank which will discharge via a flow control device to the existing sewer located on the public road adjacent to the site. Issues in relation to the number of road gullies were raised by the Planning Authority and have been adequately addressed.

7.4. Other Issues:

7.4.1. Landscape & Visual Amenity:

In relation to visual impact it is clear that the proposed development will represent a significant departure from the established use on the appeal site and will have a

visual impact at a local level. The Cork County Development Plan, 2014, does not identify the appeal site, or the lands in the vicinity, as a special landscaping warranting protection. There are no Scenic Routes or High Value Landscapes noted in the wider area.

The site itself, is located adjacent to a building which is included in the NIAH and its boundaries currently comprise a large number of mature trees and hedgerows. Of particular note are the trees located along the southern boundary of the site and outside the boundaries of the proposed development site. I consider that these trees are of significant importance in terms of the visual amenities of The Rectory, and any potential impact to their health or protection should be resisted in the interests of visual, as well as residential, amenity.

The proposed development requires the extensive removal of the existing roadside boundary to the north of the site, including 13 mature trees and a hedgerow. The trees to be removed include Norway Maple, Horse Chestnut, Sycamore, Whitebeam and Common Ash. An elm tree is also to be removed along the eastern boundary. Additional trees on the eastern boundary are to be retained, as are the leylandii trees to the western boundary. I acknowledge the submissions from third parties in relation to the loss of established mature trees and the potential impacts on visual amenity associated with their loss. However, their removal is required in order to achieve adequate sightlines at the entrance. The proposed northern boundary will include a stone wall with railings above. In terms of the proposed northern boundary, I am satisfied that the details as submitted are acceptable.

In terms of the landscaping plan presented in support of the proposed development, and the zoning afforded to the site, I am satisfied that the development can be accommodated on the site without significant alteration to the existing established character of the area.

7.4.2. Flood Risk Analysis

The subject site is not located within an area identified as being a flood risk area. I consider that there is no significant issue arising in relation to flooding associated with the subject site and having regard to the zoning afforded to the overall site as well as the planning history of the site, I am satisfied that the proposed development is acceptable in this regard.

7.4.3. **Part V**

In terms of compliance with Part V, the applicant proposes to transfer four houses in order to satisfy their obligations with regard to Part V under Section 96(3)(b)(iv) of the Planning & Development Act, 2000 as amended. I have no objections in this regard, and an appropriate condition should be attached to any grant of planning permission.

7.4.4. **Development Contributions:**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

In terms of a possible Special Development Contribution in relation to a perceived shortfall in the provision of recreation and amenity points for the proposed development, I would refer the Board to Appendix 'A' of the Recreational and Amenity Policy is clear that a minimum of 30% of the points requirement is to be satisfied through the provision of on-site facilities whereas the remainder could be met by the provision of facilities either on-site or off-site at an agreed location. It would appear that the option of a 'cash equivalent' towards any shortfall in the points allocation is intended to be the exception rather than the rule.

In addition, and should the Board accept my recommendation to omit house numbers 19, 20 and 21, I consider that the area associated with these units would convert to open space and would contribute to the shortfall in the points. I would not consider it reasonable or appropriate to include a special development contribution condition under these circumstances.

7.5. **Appropriate Assessment**

- 7.5.1. The closest European Sites are the Cork Harbour SPA (site code 004030) approximately 10km to the east of the site, and the Great Island Chanel cSAC (site code 001058), approximately 12km to the east. The applicant has submitted an AA screening report which concludes that there would be no risk of significant negative effects on any European Site as a result of the proposed development, either alone or in combination with other plans or projects. The planning report on file concludes that appropriate assessment is not required.

7.5.2. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be **Granted** for the proposed development for the following stated reason and subject to the stated conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the location of the site within a designated settlement boundary and the zoning of the site in the Ballincollig Carrigaline Municipal District Local Area Plan, 2017, to the pattern of development in the vicinity of the site, and having regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May 2009, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23rd day of January, 2018 and the further information received on the 4th day of May, 2018 and the 19th day of June, 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. The proposed development shall be amended as follows:
 - (a) Houses number 19, 20 and 21 shall be omitted from the proposed development. This area shall be used as public open space.
 - (b) The road layout shall be amended to comply with a maximum design speed of 20km/ph and shall ensure pedestrian priority throughout the development in accordance with the requirements of DMURS.
 - (c) The dormer windows on the side elevation of house type F, site 1, shall be replaced with a rooflights.
 - (d) The proposed reinforced grass turning bay in the public open space area shall be finished in asphalt.
 - (e) The public lighting scheme shall be designed in accordance with the Cork County Council Public Lighting Manual and Product Specification, 2018 and to the satisfaction of the Public Lighting Section of Cork County Council.
 - (f) A pedestrian crossing shall be provided to ensure access to the bus stop to the north of the site.

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

Reason: In the interest of clarity and residential amenity, to ensure the protection of the character and setting of a structure including on the NIAH and to ensure that the road layout design standards conform to national policy.

3. All windows serving landings, WCs and bathrooms in the proposed development shall be permanently fitted with opaque glazing.

Reason: In the interest of residential amenity.

4. 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. Roof colours shall be blue-black or slate grey only, including ridge tiles.

Reason: In the interest of visual amenity.

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to protect the residential amenities of adjoining properties.

6. 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.

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

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

8. Site development and building works shall be carried only out between 0800 hours and 1800 hours Mondays to Fridays excluding bank holidays and between 0800 hours and 1300 hours on Saturdays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities

9. The boundary treatments for the development, including the front (northern) boundary, shall be in accordance with the information submitted in support of the development. Full details of said boundaries shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.

Reason: In the interests of visual amenity and the protection of residential amenities.

10. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge, except as modified by condition 2 of this order. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

11. The areas of open space shown on the lodged plans (as modified by condition 2 of this order) shall be reserved for such use and (other than the neighbourhood play areas) shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The neighbourhood play areas shall be developed in accordance with details to be submitted to, and agreed in writing with the planning authority prior to commencement of development. All of this work, including the play areas, shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

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

12. All trees shown shall be retained on the site and shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected beyond the branch spread, and no construction work or storage shall be carried out within the protective barrier.

Reason: In the interest of visual amenity and of protecting the residential amenities of adjoining properties.

13. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

14. 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. All existing overground cables within and bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interest of visual and residential amenity, and of sustainable development.

15. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

A. Considine

Planning Inspector

29th January, 2019