



An
Bord
Pleanála

Inspector's Report 302379.

Development	Residential housing scheme of 9 detached dwellings and associated site development.
Location	Kilnaglery, Carrigaline, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	184779.
Applicant(s)	GOCE Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	1 st Party v Condition.
Appellant(s)	GOCE Ltd.
Observer(s)	Michael & Lucy O'Mahony.
Date of Site Inspection	17 December 2018.
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located approximately 2 km east of Carrigaline town centre and adjacent to the south east of Carrigaline Industrial Park in Kilnagleary. It is a greenfield site, forming part of a larger field, fronting on to a narrow potholed cul de sac, which also serves a row of detached houses, a wine outlet and badminton club. At its south western end the cul de sac meets the L 6506 at a junction with poor sightlines in both directions. The L 6506 is substandard in width and alignment along this stretch.
- 1.2. I attach photographs taken at the time of inspection.

2.0 Proposed Development

- 2.1. Residential housing scheme of 9 houses and associated site development works on a stated site area of 0.7 ha. The gross floor area of the proposed development is stated to be 1734.4 m². Proposed dwellings are two storey 4 bedroom and there are 3 house types.
- 2.2. It is proposed to connect to public water supply and sewer.
- 2.3. A flood risk assessment dated January 2016 is submitted relating to a smaller residential development at this location. This states that this area is within Flood Zone C and at low risk to flooding from tidal and fluvial sources. Residual risk from structure block is also low. The Assessment concludes that the development proposed was in compliance with Flood Risk Management Guidelines.
- 2.4. An Archaeological Assessment dated September 2015 concludes that no anomalies representing archaeological features were identified on this site. Isolated archaeological finds or features cannot be ruled out.

3.0 Planning Authority Decision

3.1. Decision

By Order 18/5395, dated 24 July 2018, the planning authority decided to Grant Permission subject to 14 conditions. Condition 3 requires the omission of 2 units for reason “to ensure satisfactory architectural standards in the interests of visual amenity”.

Further Information;

The decision followed the submission of Further Information relating to proposed access arrangements with the public road. Further Information submitted on 28 June 2018 included revised Site Layout Plan and Site Access Plan. The number of units proposed is reduced to eight and a neighbourhood amenity space is provided facilitating improved sightlines.

Objections/Submissions

1. Mark Ginn, Miramar, Kilnagleary, Carrigaline.
2. Sally Ann O'Halloran, Curracloe, Kilnagleary, Carrigaline.
3. Derick Wilkins & Marie Wilkins, Avalon, Kilnagleary, Carrigaline.
4. Michael O'Mahony & Lucy O'Mahony, Suaimhneas, Cabin Lane, Kilnagleary.
5. Eva & Shane Williamson, Mendip Cottage, Kilnaglery, Carrigaline.

These are summarised as follows:

- Overdevelopment and out of character with existing surrounding houses
- Any permission granted should require road widening before any construction commences.
- The road is not suitable for heavy construction traffic.
- The access road is a cul-de-sac and already heavily trafficked. Proposed sightlines are inadequate.
- Loss of privacy enjoyed by existing dwellings in the vicinity by reason of overlooking.

- Traffic dangers.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Senior Executive Planner (21 May 2018)

The site is in an area designated as an “existing built up area”. No objection to the proposal in principle. Outline Permission was previously granted for 4 dwellings; there is no objection to an increase in density or revised larger house types proposed; there is sufficient separation between existing and proposed dwellings. One dwelling should be omitted to provide for an area of open space. There is a requirement to improve the existing access lane and the entrance at the public road. Recommendation for Further Information.

Senior Executive Planner (24 July 2018)

A central public open space has not been provided in Further Information submission as suggested. The usability of the open space provided at the western end of the site adjacent to the public road is questioned. Centrally located open space would be a better solution. This would require the omission of 2 units. The FI submission addresses access and surface water items satisfactorily. Recommendation to Grant subject to conditions.

3.2.2. Other Technical Reports:

Archaeologists Report (16 May 2018) - Condition recommended if permission is being granted.

Inland Fisheries Ireland – no objection if there is sufficient capacity in existence.

Engineering Report (following FI submission) – Grant subject to conditions.

Public Lighting (following FI submission) – recommends deferral on public lighting issues. Conditions recommended if permission to be granted.

Estates Report (following FI submission) – applicant to submit a letter of consent from the landowner to the north for the provision of required sightlines, and letter of

consent from landowner to the south for the removal of hedge, kerbing and landscaping of the area in grass.

Irish Water (8 May 2018) – requirement to sign a connection agreement with Irish Water prior to the commencement of development and to be subject to the constraints of the Irish Water Capital Investment Programme.

4.0 Planning History

15/05189 – Outline Permission granted for 4 no. storey and a half type dwellings and all associated site works at this location.

17/05980 – Permission refused for dwelling house and site entrance on a site at the north eastern end of the current appeal site. The reason for refusal refers to overdevelopment of a very restricted site which would be out of character with the character of surrounding development.

17/05912 – Permission granted for road widening and extension of public services. This included the private access road along the northern western boundary of the current appeal site.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2014-2020

The site is within the development boundaries for Carrigaline as set out in the LAP for Carrigaline.

Carrigaline is identified as a ‘Metropolitan Town’ as part of the Cork Gateway.

5.2. Natural Heritage Designations

Cork Harbour SPA is approximately 350m from the appeal site. There is a watercourse within 10m of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is against Condition 3 of the planning authority's decision which reduces the number of dwellings from 8 to 6.

1. In response to RFI the 1st Party entered into negotiations with adjacent landowners to acquire the necessary land to improve sightlines at the junction serving the proposed development. This involved considerable expense and the omission of 1 proposed dwelling and the sterilisation of the western portion of the site for building purposes.
2. The proposed development already meets the Council's own recreation and amenity standards. FI showed open space at the west of the proposed development. Any further reduction in density is unnecessary.
3. Demand for housing in Carrigaline is high. The CDP classifies Carrigaline as a 'Metropolitan Town'. The site area is 0.70 ha and CDP density provisions would allow for 8.4 units on this site. The site is located close to sustainable public transport links and the reduction required by condition 3 is not justified.
4. The changes required would detract from the original proposed layout. The void between units would be detrimental from architectural and planning perspectives.
5. It is intended to engage the services of a landscape architect to design the amenity space at the western end of the development.
6. The Sustainable Residential Development in Urban Areas Guidelines 2009 advocate more efficient use of land while encouraging high quality of design and layout in new residential areas. The proposed development meets this criterion and makes economic use of existing infrastructure and services while supporting sustainable commuting patterns.

6.2. Planning Authority Response

None on file.

6.3. Observations

Department of Culture, Heritage and the Gaeltacht – the proposed development is relatively small in scale and is at sufficient remove from the site of the Recorded Monument (RMP No. CO099-002 Church site) which is currently occupied by a domestic dwelling. An Archaeological monitoring condition is recommended and the wording of condition 12 should be retained.

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Michael O'Mahony & Lucy O'Mahony

1. The observer was told in 2017 that he would not get permission for a two storey house as it would not be in keeping with the area.
2. Overdevelopment of the site impacting on the peace and tranquillity of the area. There should be a maximum of 6 dwellings if the site is to be developed. This would give a less dense feel and look. Larger sites would negate the need for central open space and would look more aesthetically pleasing.
3. The private single carriageway laneway cannot presently sustain the large volume of traffic going to a business and badminton club at the end of the road.
4. The amenity area at the western side of the development bordering the public road should be removed. It will attract parking on the laneway and footpath giving rise to safety concerns. It could also attract anti-social behaviour.

7.0 Assessment

7.1. This is a First Party appeal “against the decision of Cork County Council regarding Planning Application 18/04779”. The appeal is “in particular ... to remove Condition 3 from the decision ...”. The grounds of appeal clearly relate to Condition 3 and, as such, I consider that it is reasonable to conclude that the appeal is not against the principle of the planning authority’s decision but against Condition 3 of that decision. As such, it is open to the Board to consider the appeal under Section 139 of the Act, where the Board is satisfied, having regard to the nature of the condition, consideration of the application, as if it had been made to the Board in the first instance, would not be warranted.

7.2. Having regard to the location of the site within the development boundaries for .

7.3. the planning history relating to the site and surrounding road network, I consider that the proposal for residential development is acceptable in principle. The condition to which the grounds of appeal relate is specific requiring the omission of 2 units and the provision of central usable public open space. The reason for the condition is to ensure satisfactory architectural standards in the interests of visual amenity. In these circumstances, having regard to the nature of the condition, including the reason for its imposition, I consider that consideration of the application ‘de novo’ is not warranted, and that the appeal should be considered under Section 139 of the Act.

7.4. The precise wording of Condition 3 of Cork County Council register reference 18/04779 is as follows:

The layout of the development and house types shall be amended in the following respects:

- *Provision shall be made for a central usable public open space area through the omission of two central units (Types C and B)*
- *The fenestration amendments for the flanking dwellings (Types A and C) shall be amended to ensure passive overlooking of the public open space area.*

Before development commences, revised drawings making provision for the above requirements shall be submitted to and agreed in writing with the Planning Authority.

Reason: *To ensure satisfactory architectural standards in the interests of visual amenity.*

- 7.5. Conditions attaching to a permission must be necessary, precise and reasonable and include clear reasoning for inclusion. In this case the requirements of Condition 3 are clearly set out as is the reasoning for the inclusion of the condition. The planning authority is of the view that the omission of 2 units (8 to 6) and the provision of a central usable open space is necessary to ensure satisfactory architectural standards in the interests of visual amenity. The planning authority invited the applicants way of Further Information to submit a revised site layout drawing showing “the omission of a number of units to facilitate provision of a central public open space area and proposals for compliance with the Planning Authority’s Recreation and Amenity Policy” but the Further Information submitted shows the main area of public open space at the western end of the site adjacent to the public road and no further reduction in the number of units.
- 7.6. Is the omission of 2 units and the provision of a central open space necessary to ensure satisfactory architectural standards in the interests of visual amenity? I conclude that such a condition is not necessary in the interests of visual amenity and I recommend the deletion of Condition 3.

8.0 Recommendation

- 8.1. I recommend that this appeal be considered under Section 139 of the Act and that Condition 3, including the reason for its imposition, be omitted.

Des Johnson
Planning Inspector

7 January 2019