



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-303098-18

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### Strategic Housing Development

Demolition of existing dwellings, construction of 251 no. residential units, re-alignment of Cooney's Lane, traffic calming measures on Cooney's Lane and Bellevue Road and associated site works.

### Location

Cooney's Lane, Graigue (townland), Grange, Co. Cork.

### Planning Authority

Cork County Council

### Applicant

Westbrook Housing Company Ltd.

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland  
Inland Fisheries Ireland  
Department of Arts, Heritage and the

Gaeltacht

**Observers**

Alan Blake

Anne and Andrew Kilgour

Ashford Court Residents' Committee

Billy Menton

Colin Hickey

Conor Harrington and Sinead Nugent

Dana Van De Camp

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Donna Sweetman

Eleanor Browne

Cllr Eoghan Jeffers

Jan Sweetman

John and Brenda Herbert

John and Winifred Malone

John Buckley

Kenneth Byrne

Kenneth Shorten

Kevin McGuigan

Kieran and Phil Goulding

Margo Fitzgerald

Margaret Fitzgerald

Pamela Murphy

Paul Jeffers

Residents of Ardfield Estate

Rob and Gráinne Tanner

Rose Desmond

Ruan Linehan  
Sean Twomey  
Stephen Cody and Deirdre Cooper  
Stephen O'Brien  
Terri and Kevin O'Callaghan  
Trish Kelleher  
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**Date of Site Inspection**

25<sup>th</sup> February 2019

**Inspector**

Stephen J. O'Sullivan

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The site has a stated area of 9.9ha. Its main part is triangular in shape. It lies on the edge of Cork, c4km south of the city centre. The area to the north and east of the site is largely occupied by suburban housing. The area to the south and west is largely under pasture. The landscape in the area rises towards the south, and the site is elevated over the housing estate at Ardfield to the north-east. Most of the north-eastern boundary of the site adjoins sloping open space within that estate and is marked by a post and wire fence, but it also adjoins the side of the curtilage of one house in that estate and the back of another. Most of the southern boundary of the site is along a stream that runs in an overgrown gully. The western boundary of the site is along a rural road known as Cooney's Lane. The road is c6m wide with intermittent hedgerows on both sides. There are several detached houses along that road opposite the site and to its south. The site itself is mainly under grass, with a detached house and a cluster of disused farm buildings at its northern end. Two overhead power lines cross the site and 3 pylons stand upon it, two of which are wooden and the other steel.
- 2.2. Local services and bus stops are available along the R851 Grange Road to the north of the site. The walking distance to that road is c600m through the Clifton Grange estate. The driving distance to the Grange Road along Cooney's Lane is c850m, or c750m along Bellevue Road. There is a primary school on the Bellevue Road c350m from the main part of the site. The site boundaries include three junctions along Bellevue Road – that between it and Cooney's Lane; between it and Bellevue Grove; and between it and Bellevue Park and Bellevue Court.

### 3.0 Proposed Strategic Housing Development

3.1. It is proposed to demolish the existing house on the site and most of the farm buildings and to provide 251 residential units and a creche. The proposed housing mix is as follows-

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	7	141	23	5	176
Apts/Duplex	19	42	14	-	-	75
Total	19	49	155	23	5	251

3.2. The crèche would have a floor area of 221m<sup>2</sup> and would be located in a detached, single storey building at the northern end of the site. The proposed houses would be in the southern part of the site. They would appear as two-storey structures, although the detached types A1 and A2 would have additional accommodation at second floor level within the roof structure. The apartments would be in two- and three-storey buildings between the houses and the creche. Apartment building F3 would incorporate part of an existing stone farm building. The scale, layout and design of the buildings around it would resemble the existing farmyard there. The total floor area of the proposed development is stated as 27,126m<sup>2</sup>.

3.3. There would be a linear open space along the southern boundary of the site parallel to the stream and along the eastern boundary of the site adjoining the open space in the neighbouring estate at Ardfield. Two pedestrian links are shown to the neighbouring estate, one of which has steps. A wayleave is shown along the open space at the east of the site for the overhead 110kV line there.

3.4. The proposed development includes an upgrade of Cooney's Lane in along the site frontage to provide a 6m carriageway, and a 2m footpath and 1.75m cycle lane on its near side. There would be three new road junctions on Cooney's Lane, but no direct access from the proposed houses to the upgraded road. The proposed development

also includes raised tables at 3 junctions along Bellevue Road to the north of the main part of the site at its junctions with Cooney's Lane, Bellevue Grove and Bellevue Park/Bellevue Court.

#### **4.0 Planning History**

4.1. None of the parties referred to any planning application pertaining to the site. submissions referred to an application for permission for 22 houses on a site adjoining Bellevue Heights c200m west of the site of this application made under Reg. Ref. 18/055725, ABP-303112-18. The planning authority refused this application on 2<sup>nd</sup> November 2018 for one reason which stated that, due to the deficient local road network the proposed development would result in traffic congestion and therefore traffic hazard because of the serious pedestrian and vehicular conflict that it would generate on the adjoining estate road. An appeal against this decision is before the board.

#### **5.0 Section 5 Pre Application Consultation**

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 24<sup>th</sup> May 2018 in respect of a proposed development of 231 homes and a creche on the site. The main topics discussed at the meeting were –

- Development strategy for the site including density, housing mix, layout and DMURS, open space, architectural heritage, connectivity/permeability, childcare
- Drainage
- Ecology
- Archaeology
- Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration

and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues –

### **1. Density**

Further consideration/justification of the documents as they relate to the density in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Douglas and Cork City Centre and to established social and community services in the vicinity. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

### **2. Design, Layout and Unit Mix**

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix; arrangement and hierarchy of streets; the creation of character areas within a high quality scheme should all be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### **3. Public Open Space**

Further consideration of the documents as they relate to the open space proposed particularly in the context of the quantum of open space proposed, the surveillance of the open space, the usability of the active open space and proposals for passive open space in the context of landscaping proposals. In addition, further consideration of the documents as they relate to pedestrian and cycle facilities



connecting the proposed development with Douglas, existing transport services, adjoining residential development and the area of zoned public open space to the east of the site. The further consideration of these issues may require an amendment to the documents and/or design rationale submitted.

5.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. Drainage details, having regard to Pre-Connection Enquiry Report of Irish Water dated 22nd March 2018, together with section 4.6 of the planning authority report dated 14th May 2018.
2. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
3. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
4. Archaeological Impact Assessment.
5. Ecological Survey of existing buildings.
6. A phasing plan for the delivery of the proposed development.
7. A site layout plan indicating what areas are to be taken in charge by the planning authority.
8. A Childcare Demand Report outlining anticipated demand likely to be generated by the proposal and the capacity of existing childcare facilities in the vicinity to cater for such demand.
9. Site Specific Construction and Environment Management Plan (CEMP).provision having regard to section 4.15 of the design standards for apartments..

- 5.4. The cover letter submitted with the application set out by a **Statement of Response** to the notice issued by the board. The following is a short synopsis the response to the items raised in the Opinion-
- 5.4.1. With respect to item 1, the number of proposed units has been increased from 231 to 251. The net developable area of the site is 7.7ha excluding the land occupied by existing roads, the sloping ground by the river and the area of the wayleave underneath power line crossing the east of the site. So the net density of the proposed development is 32.6dph. This is above the minimum level of 30dph below which development is discouraged on greenfield suburban land under section 5.11 of the 2009 sustainable urban residential guidelines. It is within the recommended range of 20-35 dph for edge-of-centre sites set out in section 6.11 of the guidelines. It is within the 20-50dph 'Medium A' density specified in the county development plan and applied to this site under the local area plan. The proposed density is therefore consistent with local and national policy.
- 5.4.2. With respect to item no. 2, significant changes have been made to the layout and design of the proposed scheme with a wider mix of units, a stronger hierarchy of streets and a more distinctive series of character areas, which will provide a high quality urban extension to Cork.
- 5.4.3. With respect to item no. 3, the layout has been amended to provide more overlooking of open space and to increase the usefulness of the active open space with extensive landscaping, a kickabout area, playgrounds, a half court for basketball, and a walkway around the eastern and southern side of the scheme. Connectivity to the Grange Road and Douglas is improved by pedestrian links through the site and to the Ardfield estate.
- 5.4.4. The reports submitted with the application include the specific information submitted with the opinion.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 2a is a target that half of future population growth will be in the cities or

their suburbs. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 dph will be encouraged, and those below 30dph will be discouraged. Chapter 6 refers to smaller towns and village with populations between 400 and 5,000. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that peripheral urban locations are generally suitable for development at densities of less than 45 dph that includes a minority of apartments. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m<sup>2</sup>, for two-bedroom apartments it is 73m<sup>2</sup> and for three-bedrooms it is 90m<sup>2</sup>. Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m<sup>2</sup> storage for one-bedroom apartments, 6m<sup>2</sup> for two bedroom apartments and 9m<sup>2</sup> for three-bedroom apartments,. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m, but this may be relaxed for refurbishment schemes or infill schemes on sites smaller than 0.25ha.
- 6.1.4. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types

and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites

- 6.1.5. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.
- 6.1.6. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.

## 6.2. Local Policy

- 6.2.1. The Cork County Development Plan 2014-2020 applies. The site is in the south Cork environs. The core strategy for the county is that 1,284 homes would be provided in that area. Section 2.2.15 of the plan refers to strategic land reserves. It seems that these are lands that should be considered for zoning in the next review of local area plans across the county. Objective HOU 3-2 is that all new urban development is of a high design quality and refers to the design manual issued with the 2009 sustainable urban residential guidelines and DMURS. Objective HOU 3-3 is to secure the development of a mix of house types. Objective HOU-4 relates to housing density. It describes high density as over 35 dph which is applicable in town centres or close to high quality public transport corridors, Medium A is 20-50dph which would be applicable in city suburbs. Objective SC 4-2(f) is that an assessment of demand for school places is required for large scale residential development. The car parking standard for houses in appendix D is 2 spaces, that for apartments is 1.25 spaces. These are minimum standards. The standard for creches is 1 space for 3 staff and 1

space for 10 children. This is a maximum standard. The minimum cycle parking standard for apartments is 0.5 spaces for one- and two-bedroom apartments and 1 space for three bedroom ones. Creches require 1 space for 4 staff.

- 6.2.2. The Ballincollig-Carrigaline Municipal District Local Area Plan 2017-2023 applies. Table 1.2 of the plan identifies an area of 44.9ha as part of Strategic Land Reserve 4 at Frankfield Grange. The site is part of the south city environs. Objective SE-GO-01 is to secure the development of 1,285 dwellings there between 2017 and 2023. The site itself is zoned under residential objective SE-R-07:

“Medium A density Residential Development. Any proposals for this site will include a detailed traffic impact assessment and will address the need for road and junction improvements in the vicinity.”

The development boundary for the south city environs runs along the western and southern side of the site. Its south eastern corner adjoins land zoned for open space and amenity. Those lands are subject to objective SE-U-03 to “provide pedestrian walk through stream valley connecting open spaces to Donnybrook”.

### 6.3. Applicant’s Statement of Consistency

- 6.3.1. The proposed development complies with the residential zoning of the site under the Cork County Development Plan 2014-2020 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017. The site is an ‘edge-of-centre’ site under the 2009 Sustainable Urban Residential Guidelines. The proposed net density of 32.6dph is consistent with the recommendations of the guidelines and the Medium A Density specified for the site under the development and local area plan. 28% of the proposed homes would have one or two bedrooms and so the development would include a suitably wide mix of housing types in accordance with policy HOU 3-3 of the development plan.
- 6.3.2. The proposed layout has suitable pedestrian connections to the north and east, with a walkway along its southern and eastern edge. The proposed routes and spaces are properly overlooked. Each house would be provided with 2 parking spaces, while there would be 1.25 spaces per apartment and another 14 for the creche bringing to total number of car parking spaces to 438. The design of buildings incorporates vernacular and contemporary elements. The proposed development

would therefore comply with policy HOU 3-2 of the development plan and the 12 principles set out in the design manual that accompanies the 2009 guidelines.

- 6.3.3. 18.6% of the site would be provided as open space. The development would include a network of connected and overlooked spaces and paths. Houses are provided with private gardens and a separation distance of 22m is provided between the backs of houses where possible. A matrix is submitted asserting compliance with various provisions of the development plan and the local area plan. A schools capacity study is provided in accordance with policy SC4-2 of the development plan.
- 6.3.4. All of the proposed apartments would be above the minimum size specified in the 2018 Guidelines on Design Standards for New Apartments. 19.6% of the apartments would exceed the minimum size by more than 10%. All of the apartments would be dual aspect. All would meet the minimum required floor to ceiling heights, except in the 2 storey buildings that are designed to resemble the historic farm buildings and which should be considered exceptional under section 3.25 of the guidelines. Stair/lift cores would serve only 2-4 apartments on each floor. Adequate storage and private open space would be provided for each apartment. 7,065m<sup>2</sup> of communal open space would be provided for the apartments. Appropriate waste storage facilities will be provided. Bicycle parking would be provided generally in accordance with the guidelines.
- 6.3.5. The site is in flood risk zone C under the 2009 Flood Risk Management Guidelines and a justification test for housing would not apply. Attenuation would be provided in 6 tanks that would reduce the runoff to the greenfield rate for a storm event up to the 1 in 100 year return period.
- 6.3.6. A planning and design statement was included which stated that the layout and design had been revised following feedback from the council and the board to increase density, establish defined character areas, and provide more overlooking of open space and connections with the existing built-up area of the city. The density of the development accords with the development and local area plans and with the sustainable urban residential guidelines. The proposed development is below the threshold for EIAR. Childcare is provided in accordance with the 2001 guidelines on that topic. Foul drainage is to the existing sewer at Bellevue, water supply is from the main on Cooney's Lane and surface water drainage would be to the river beside the

site via attenuation. The site is 390m from the nearest bus stop on the Grange Road. The layout is based on a central route with access streets (including some shared spaces) off it. The houses are on the more peripheral southern part of the site, with the two- and three-storey apartment buildings more centrally located. Part V units would be provided across the scheme. The Engineering Services Report states that the improvements to Cooney's Lane and based on an 85 km/h design speed and DMRB. The internal roads are designed with a 30km/h speed. A submission of compliance prepared by the applicant's architect is submitted. A screening report states that there is no pathway from the site to any Natura 2000 site and that the proposed development is not likely to have a significant effect on any Natura 2000 site.

## **7.0 Third Party Submissions**

7.1. Thirty three submissions were received on this application. The submissions may be summarised as follows-

- The predominant theme in the submissions is that the road network in the area is not adequate to cater for the traffic generated by the proposed development which would therefore give rise to congestion and traffic hazard. Numerous submissions referred to the congestion queues that already occurs at the junctions on Cooney's Lane and Bellevue Road to the north of the site (including the entrance to Ashford Court) and onto the Grange road. This congestion is particularly severe due to the traffic generated by the large primary school at St. Nicholas. The council's refusal of another application for housing in the area under Reg. Ref. 18/055725, ABP-303112-18 attests to this. The road network serving the site is therefore incapable of accommodating more traffic such as that which would occur if the proposed development is built. The proposed development would not have access to adequate public transport, due to the distance to the nearest bus stops and the poor footpaths. The local bus services also suffer due from the traffic congestion. The mitigation measures proposed in the application will not relieve the congestion as they would not provide any more capacity in the road network. Neither would those works or other alterations to the roads be capable of providing priority for buses at junctions due to space constraints, so the use of public

transport would not allow residents to avoid the delays due to traffic congestion. The submitted Transport and Traffic Impact Assessment is inadequate as it addresses the impact of the development on the approaches to the site but not on the wider road network. No Road Safety Audit of the development has been carried out. Bellevue Road was designed as an internal estate road. It is not capable of functioning as a distributor road serving the traffic from the wider urban area. Cooney's Lane itself is a narrow rural road where vehicles have difficulty passing safely and it could not accommodate additional traffic without causing hazard. The traffic generated by the development would damage air quality and cause greenhouse gas emissions.

- The development of the Strategic Land Reserve at Grange, identified as SLR4 in the local area plan, would be premature pending the alleviation of the constraints on the road network.
- The proposed development would seriously injure the amenities of existing residential properties in the adjoining Ardfield Estate. The proposed apartment buildings include three storey structures on higher ground that would unduly overbear and overlook the existing houses opposite with a direct line of sight into bedroom windows, thus seriously injuring their privacy. Any apartments should be located away from existing houses. The proposed footpaths and pedestrian connections would facilitate anti-social behaviour, which has already caused problems for residents in the area. Similar connections elsewhere have had to be closed due to such problems. The connections would not be properly supervised, in particular the walkway along the river which would be c3m below the level of the nearest houses. The pedestrian access to the creche from the Ardfield Estate would encourage more traffic to use that estate's roads causing traffic congestion and hazard there. A 2m block wall should be erected between the site and the Ardfield Estate. The noise and traffic arising from construction would disturb residents. Works should be restricted to 0800-1700 Mondays to Fridays. The submitted Construction and Waste Management Plan has important omissions. It does not identify the location of the bunded area for oil storage or refuelling or that for cement wash out, not even by a set separation distance from the stream.



- The proposed development would be out of keeping with the established character of development in the area and its density and height are excessive, particularly the proposed apartment buildings. The loss of open green land would damage the visual amenities of the area.
- Adequate amenities are not available to serve the proposed development. In particular the local schools do not have spare capacity. The local medical centre and voluntary groups are over-subscribed.
- The proposed development would cause excessive demands on the drainage system serving the area and would give rise to a risk of flooding.
- The proposed development would lead to a loss of biodiversity, in particular due to the removal of trees and hedges. Adequate studies have not been made of this impact. The need for appropriate assessment cannot be screened out on the basis of mitigation measures. The submitted screening refers to best practice. So the application requires a Natura Impact Statement.
- No information has been submitted as to the treatment of the overhead line that crosses the western part of the site.

## 8.0 Planning Authority Submission

- 8.1. The submission reports that the elected members of the municipal district had mixed views on the proposed development. The main concern expressed at the area meeting related to traffic and the capacity of the road network in the area. Cooney's Lane is too narrow to accommodate additional traffic. There are already traffic issues in the Bellevue estate particularly in relation to the school there. The site lacks access to public transport. The members also expressed concern that inadequate amenities were available for the proposed development. The density would be too high for a rural area. The three storey buildings would unduly overlook the Ardfield Estate. The pedestrian routes had the potential to facilitate anti-social behaviour. The website for the application and the board's website are confusing.
- 8.2. The submission states that the view of the Chief Executive is that permission should be granted. 70 conditions are recommended. Condition no. 15 would require internal roads to at least 5.5m wide. Condition 16 would require a loop road to serve

the creche. Condition no. 17 would require more car parking. Condition no. 19 would require a revised layout for the upgrade of Cooney's Lane with an urban edge on both sides. Condition no. 21 would require revised proposals for the upgrade to the junction between Cooney's Lane and Bellevue Road. Condition no. 69 would require a special contribution of €60,000 to works at that junction.

- 8.3. The report of the Chief Executive refers to the residential zoning of the site and the objective for a walkway along the river in the local area plan. The principle of the development is accepted as being in accordance with the local and national policy. The density is acceptable but is towards the lower end of the medium A range specified in the development and local area plans. The board should consider how the net site area for the calculation of density was arrived at. The design is acceptable at the northern end of the scheme but is unremarkable at its southern end. There is an issue with the capacity of the road network in the area. The submitted Transport and Traffic Assessment is noted. Some of its proposed mitigation measures would be outside the applicant's or the council's control. The provision of parking for the proposed houses is acceptable, but that for the apartments and creche do not meet the council's standards. The layout is dominated by roads and does not provide adequate pedestrian connectivity. The board may consider a revised layout that would have a pedestrian route along a desire line running north-south through open space no. 1. The proportion of open space is queried. The houses to the south of the development lack local open space. A separation distance of 22m is not achieved between the backs of houses in all cases. Sections showing the relationship between the proposed development and adjacent housing would be beneficial. The buildings whose demolition is proposed are not afforded statutory protection. However the report from the council's conservation officer which states that adequate weight has not been given to the value of their adaption and re-use. The capacity of the proposed surface water drainage system should be checked, as should that of the foul sewer on Cooney's Lane. A stage 2 appropriate assessment is not required. The timing of the removal of trees and hedges and the installed lighting should be due regard to bats. There is a lack of quality shared space for the housing. The council's archaeologist and ecologist have expressed concern about the removal of roadside hedgerow. The submitted archaeological assessment is noted. Works should be monitored in this

regard. Agreement on the provision of housing under Part V can be reached. The proposed creche should be provided in an early phase of the development.

- 8.4. The report from the council's Traffic and Transport Section states that the impact of the proposed development on the road network has not been demonstrated. It is not clear when pedestrian and cycle links would be formed. The development would increase the congestion on an already congested road network. Mitigation measures have not been provided as required.

## 9.0 Prescribed Bodies

- 9.1. **Irish Water** reported that the proposed connections to its networks can be facilitated.
- 9.2. **Inland Fisheries Ireland** stated that the impact of foul effluent on the city's sewerage system was an issue for Irish Water. There should be no interference with the adjacent watercourse and a fenced buffer zone 10m wide should be established.
- 9.3. The **Department of Arts, Heritage and the Gaeltacht** advised that an archaeological assessment should be required as further information before a grant of permission is considered due to the scale of the proposed development.
- 9.4. **Transport Infrastructure Ireland** stated that traffic from the development would use the national road network on the N40, N27 and N28 routes. Junctions along the N40 suffer significant delays especially at the Kinsale Road/Douglas Road. Local traffic accounts for over 30% of the use of that stretch. The proposed development would add to that trend eroding the capacity of the N40 to perform its strategic function. The submitted Transport and Traffic Assessment does not assess the impact of the proposed development on the national road network and a revised assessment should be sought that would identify mitigation measures. The Cork Metropolitan Area Transport Strategy has not been finalised and the National Transport Authority should be consulted.

## 10.0 Screening

### 10.1. Appropriate Assessment

- 10.1.1. The nearest Natura 2000 sites to the application site are the SPA at Cork Harbour, sitecode 004030, and the SAC at Great Island Channel, sitecode 001058. The

Special Protection Area is c2.2km north-east of the application site. Its conservation objectives are to maintain the favourable conservation status of the following species—

- A004 Little Grebe *Tachybaptus ruficollis*
- A005 Great Crested Grebe *Podiceps cristatus*
- A017 Cormorant *Phalacrocorax carbo*
- A028 Grey Heron *Ardea cinerea*
- A048 Shelduck *Tadorna tadorna*
- A050 Wigeon *Anas penelope*
- A052 Teal *Anas crecca*
- A054 Pintail *Anas acuta*
- A056 Shoveler *Anas clypeata*
- A069 Red-breasted Merganser *Mergus serrator*
- A130 Oystercatcher *Haematopus ostralegus*
- A140 Golden Plover *Pluvialis apricaria*
- A141 Grey Plover *Pluvialis squatarola*
- A142 Lapwing *Vanellus vanellus*
- A149 Dunlin *Calidris alpina alpina*
- A156 Black-tailed Godwit *Limosa limosa*
- A157 Bar-tailed Godwit *Limosa lapponica*
- A160 Curlew *Numenius arquata*
- A162 Redshank *Tringa totanus*
- A179 Black-headed Gull *Chroicocephalus ridibundus*
- A182 Common Gull *Larus canus*
- A183 Lesser Black-backed Gull *Larus fuscus*
- A193 Common Tern *Sterna hirundo*,

and of the following habitat -

- A999 Wetlands

10.1.2. The Special Area of Conservation at Great Island Channel is c8.2km east of the site. Its code is 001058. Its conservation objectives are to maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide, 1140, and to restore the favourable conservation condition of Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) 1330.

10.1.3. The proposed development is not in or adjacent to any Natura 2000 site. So it would not have the potential to have a significant direct effect on any Natura 2000 site. The application site is occupied by improved pasture adjoining the built up area of the city. Its existing condition does not provide ex situ habitats that might support a species that is the subject of the conservation objective of a Natura 2000 site, including the Special Protection Area at Cork Harbour, sitecode 004030. The foul effluent from the proposed development would drain to the city's sewerage system. Its downstream effect on the outflow from that system would be negligible. The site in its existing condition does not have a significant hydrological role in flood storage or transfer. No works are proposed to the adjacent watercourse or its channel. The proposed development would not have the potential to have a significant effect on any downstream Natura 2000 sites, therefore, including the SAC or the SPA at Cork Harbour. These conclusions arise from the location and the nature of the proposed development and do not assume the implementation of any mitigation measures because the proposed development is not likely to give rise to any significant effects on any Natura 2000 site that could be mitigated. There are no other effects, either direct or indirect, that are likely to arise from the proposed development that could become significant in combination with any other plan or project.

10.1.4. It is therefore reasonable to conclude that on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect the Special Protection Area at Cork Harbour 004030, the Special Area of Conservation at Great Island Channel 001058 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

## 10.2. Environmental Impact Assessment

10.2.1. The current proposal is an urban development project that be in the built-up area of a city but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 251 dwellings on 9.9ha which is below the threshold, although the site area is close to it. The criteria set out in schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should therefore be applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact. The size and design of the proposed development would not be unusual in the context of this emerging urban area. The development would be on greenfield land but would be part of the built-up area of the city. There has been previous development immediately to the north and east of the site. The changes in the area that have occurred due to its recent development are in accordance with plans that were subject to Strategic Environmental Assessment. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed above). The structures that would be demolished are not subject to statutory protection or designation. The development would be in residential use, which is the predominant landuse in the adjoining area to the north and east. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The development would occupy a moderate area of land, but its current pastoral use is widespread in the region and so the impact of the development on that resource would be negligible. The proposed development would use the municipal water and drainage services of Cork city, upon which its effects would be marginal. In these circumstances the application of the relevant criteria to the proposed development indicate that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered.

## 11.0 Assessment

11.1. The planning issues that arise from the proposed development can be addressed under the following headings-

- Policy and the principle of development
- Density and housing mix
- Layout and design
- Amenity for occupants
- Impact on the amenity of neighbouring property
- Access and parking
- Water and drainage
- Heritage

### 11.2. Policy and the principle of development

11.2.1. The proposed development would accommodate an increase in the population of Cork. As such it would be in keeping with the National Planning Framework, in particular objectives 2a and 11, and with the core strategy set out in the county development plan.

11.2.2. The application site is zoned for residential development under the local area plan. The county development plan and local area plan identify a wider area as a strategic land reserve and discuss issues to be addressed before such land is released for development. However the application site was not diverted kept in such a reserve when the zoning scheme for the area was determined by the local area plan in 2017. It is zoned for actual residential development within the lifetime of the plan. The proposed development complies with that zoning.

11.2.3. Most of the submissions on the application assert that the residential development of the site is not appropriate at this time due to the limited capacity of infrastructure in the area. These assertions mostly referred to the road network, but the capacity of sewerage and of schools and other social infrastructure was also cited. The occupants of the proposed dwellings would clearly place additional demand on the road network and other services in this part of the city. However this would not

necessarily justify refusing the application. The additional impact would be a fraction of that arising from the demand from the existing residents, given that 251 homes are proposed that would be a contiguous part of a city whose population is 208,000. The location of the site means that the proposed housing can connect directly into the city's networks for water supply, foul drainage and suburban roads directly, with the necessary extensions occurring as part of the proposed development.

Population growth in the region will place more demand on its infrastructure and services whether or not the current site was developed. A refusal of permission on this site would not alleviate existing congestion in the locality. It might displace demand for housing to other land which may be served more poorly by physical or social infrastructure with the net result being greater congestion in the region.

Balancing the projected demand for development with available infrastructure and thus determining the appropriate location for development is the core task of the forward planning function carried out by planning authorities under Part II of the planning act. The plans prepared under that function have determined that the application site is the appropriate place for residential development and have zoned it accordingly. If there were specific exceptional infrastructural constraints that applied to the site, or if its zoning was unreasonable or contrary to higher level policy then it would be open to the board to reconsider whether residential development of is appropriate on this site. However such circumstances do not apply in this case. General concerns about the demand for services that would arise from more people in the area would not justify a conclusion that the site should not be developed in accordance with its zoning.

- 11.2.4. It is therefore concluded that the residential development of this site would be in keeping with national and local planning policy. The proposed creche would be in keeping with the Guidelines for Planning Authorities on Childcare Facilities issued in 2001. The principle of the proposed development is acceptable.

### 11.3. **Density and housing mix**

- 11.3.1. Certain of the submissions stated that the density of the development was excessive having regard to the character of the neighbouring suburban development and the proximity of the open countryside. However national and local policy on this topic is prescriptive on that topic.. The local area plan indicates that the site should be developed at a density of between 20 and 50 dph. The site is an outer suburban



greenfield site under section 5.11 of the 2009 sustainable urban residential guidelines where net densities of between 35 and 50 dph are encouraged and those below 30 dph are discouraged. The statement of consistency submitted by the applicant also refers to 'edge of centre' sites as described in section 6.11 of the 2009 guidelines. Section 6 of the guidelines refers to smaller towns with a population of less than 6,000. It would not apply to a site on the edge of Cork. Appendix A of the 2009 guidelines provides advice on what may be excluded from the site area used when calculating the net density of a development. In this case the applicant has excluded the existing public roads, the wayleave beneath a 110 kV overhead line, and the steeply sloping banks of the river from the net area of 7.7ha, as depicted on the site layout plan. This is reasonable and consistent with the guidelines. The stated net density of 32.6 dph for the proposed development is therefore accepted. This is within the range specified in the local area plan. It is below the recommended range set out in section 5.11. However it is above the minimum of 30dph under which the guidelines for this type of site. Given that the site is on the edge of the city and it not proximate to a public transport corridor, the proposed density is considered acceptable and above the minimum required by the 2009 guidelines. It would therefore be in keeping with SPPR 4 of the Guidelines on Urban Development Building Height issued in 2018 which requires planning authorities to secure the minimum densities in the 2009 guidelines on greenfield sites. However if the board considered that the proposed development was below the minimum density required by the 2009 guidelines, then section 28(1C) of the planning act would restrict its discretion to grant permission due to the contravention of SPPR 4 of the 2018 guidelines.

- 11.3.2. 169 of the proposed 251 homes would be houses with three or more bedrooms. Most of the buildings would be two storeys in height, other than six of the apartment buildings in the north-eastern part of the site which would have three storeys. The mix of housing and building types in the proposed development is therefore limited. Nevertheless, as the site is on the edge of the city and is not served by any public transport corridor, it is not considered that the mix would contravene SPPR 4 of the 2018 Building Height guidelines or policy HOU3-3 of the development plan.

### 11.3.3. **Layout and design**

- 11.3.4. The edges of the site are defined by the Cooney's Lane to the north-west, the stream to the south and the linear open space in front of the Ardfield estate to the north-east. The layout of the development makes a reasonable attempt to provide frontage and overlooking supervision towards those edges. There are only two short stretches of proposed road parallel to the existing public road, close to the boundary between the residential and rural zones set out in the local area plan. Elsewhere several houses and apartments would face that road directly. The houses at the end of cul-de-sacs at the southern end of the scheme would be oriented to overlook the linear open space and walkway along the river. The extent of supervision here would be diminished by the difference in levels, as pointed out in some of the submissions. However this is a consequence of the existing topography rather than a defect in the proposed layout. It would not reduce the supervision to an extent that would justify omitting a footpath which contributes to the amenity and permeability of the area. The shape of the gully in which the stream runs would also render it difficult to provide another street parallel to it which would obviate the need for 5 cul-de-sacs on this side of the proposed development. The layout also provides houses and apartments overlooking the footpath and linear open space to the east of the site beside the Ardfield estate.
- 11.3.5. The layout of the scheme takes proper account of the 110kV overhead line that crosses the site. A condition requiring details of the diversion of the 38kV line across the site should be imposed on any grant of permission.
- 11.3.6. The scheme is reasonably permeable and legible. There are three accesses from Cooney's Lane, two of which provide east-west routes through scheme, partly through open space. There is also a clear north-south route through the scheme from the footpath to the south towards the creche, partly through open space. Footpaths would be provided around the site, with links to the existing pedestrian network on Cooney's Lane and in the Ardfield Estate. These connections are important to provide accessibility by sustainable travel modes from the proposed development and existing houses to the facilities in the wider area. The dimensions of the blocks are not excessive, with the longest being c90m, and they comply with section 3.3.2 of DMURS. The layout of the proposed development is acceptable.

11.3.7. The design of the proposed buildings is of a satisfactory standard. The type of building across the southern part of the site is relatively uniform but not out of keeping with its suburban location. The type of building across the southern part of the site is relatively uniform, but not out of keeping with its suburban location. The orientation and variation in the house types there seek to address corners, overlook spaces and minimise the extent of blank walls along streets. The type and design of the buildings in the northern part of the site provides more interest and includes elements that reflect the farmyard and house that the development would replace.

#### 11.4. **Amenity for occupants**

11.4.1. The proposed development includes 75 apartments which would be subject to the 2018 design guidelines. The proportion of one-bedroom units would be 25%, which satisfies SPPR1. All units would meet the minimum floor area required by SPPR3. The internal accommodation and amenity spaces also comply with the standards set out in Appendix 1 of the guidelines. The overall floor area would be 6,299m<sup>2</sup> which is more than 10% above the minimum required floor area of 5,220m<sup>2</sup>. The additional floor area requirement for developments of less than 100 units set out in section 3.8 and 3.12 of the guidelines would be met. All of the apartments would be dual aspect, meeting SPPR4. The ceiling heights on the first floor would of the three storey apartment schemes would be 2.7m in accordance with SPPR5. The ceiling heights in the 2 storey apartment buildings would not be. The two storey buildings incorporate the refurbishment of an older farm building whose scale and form they would reflect. The rationale for SPPR5 is to protect the daylight available on the ground floors of higher buildings. This is less of a concern in two storey structures. The proposed two storey buildings include an element of refurbishment which is desirable on heritage and design grounds, and which is recognised as a special circumstance by section 3.25 of the guidelines. So it is not considered that the ceiling height in the two storey apartment buildings contravenes SPPR5. The number of apartments per core in the development is no more than 3, which complies with SPPR6 of the guidelines. Refuse facilities are shown for the apartments, as is car parking, in accordance with the requirements of the guidelines. The provision of proper bicycle parking can be properly addressed by condition. The proposed development would therefore provide an acceptable standard of amenity for the occupants of the proposed apartments.

11.4.2. The proposed houses have a sufficient level of internal accommodation. The 169 houses of the types A and B would have adequate private gardens of at least 60m<sup>2</sup>, as would 2 of the two-bedroom houses of the types F and G. The smaller gardens available to the other 5 two-bedroom mews type houses are justified by their contribution to the design and layout of this part of the scheme. Adequate privacy would be provided for the proposed houses and their gardens. Wide houses without windows to habitable rooms at first floor level at the rear are used where separation distances of 22m is be achieved from the back of the houses opposite. A significant amount of open space would be provided across the site. The major spaces would be linear along the southern boundary with the stream and the eastern boundary adjoining the open space at the edge of the Ardfield Estate, with other open spaces forming links with the site and providing a setting for apartments. This arrangement is appropriate to the circumstances of the site. The amount of open space is equivalent to 18.6% of the site areas, excluding the gully through which the stream runs.

11.4.3. The proposed houses have a sufficient level of internal accommodation. The 169 houses of the types A and B would have adequate private gardens of at least 60m<sup>2</sup>, as would 2 of the two-bedroom houses of the types F and G. The smaller gardens available to the other 5 two-bedroom mews type houses are justified by their contribution to the design and layout of this part of the scheme. Adequate privacy would be provided for the proposed houses and their gardens. Wide houses without windows to habitable rooms at first floor level at the rear are used where separation distances of 22m is be achieved from the back of the opposing houses. A significant amount of open space would be provided across the site. The major spaces would be linear along the southern boundary with the stream and the eastern boundary adjoining the open space at the edge of the Ardfield Estate, with other open spaces forming links with the site and providing a setting for apartments. This arrangement is appropriate to the circumstances of the site. The amount of open space is equivalent to 18.6% of the site areas, excluding the gully through which the stream runs.

11.4.4. Having regard to the foregoing, it is concluded that the proposed development would provide an acceptable level of amenity for its occupants.

## **11.5. Impact on the amenities of neighbouring property**

11.5.1. The proposed apartments and houses would maintain a minimum separation distance of 31m from the existing houses on the neighbouring Ardfield Estate. The proposed apartments and houses would be on higher land 4m to 5m higher than the existing houses and would certainly be visible from them. However the separation distance would be sufficient to ensure that the proposed development did not overlook, overbear or overshadow the existing houses to an extent that seriously injured their residential amenities. The assertions to the contrary in the many of the submissions on the application are not justified. The proposed development would include open spaces that provided accessible and pleasant pedestrian routes that linked with existing footpaths in the area. The spaces and pedestrian links are properly integrated with the proposed and existing residential environment. They would facilitate recreation and sustainable forms of travel through the area both from the proposed development and from the existing houses.. The provision of a pedestrian route along the open space beside the stream is a specific objective of the local area plan, SE-U-03. There is a possibility that any space, whether public or private, could be used nefariously. This possibility would not justify omitting desirable amenities from the proposed development. The erection of a boundary wall around the proposed development would be unsightly, and would hinder access to such amenities. It would also undermine the supervision of spaces from nearby houses and so would be counterproductive with respect to the control of behaviour. The board is therefore advised that the proposed development would not injure the amenities of property in the vicinity of the site. The working for during construction should be restricted to the standard times, but further restrictions would not be justified. The occupation of the proposed development would not have a significant effect on air quality or greenhouse gas emissions. Its construction can be managed to avoid such emissions in accordance with management plan that can be required by condition.

## **11.6. Access and parking**

11.6.1. The site is linked to the Grange Road R851 by Cooney's Lane and Bellevue Road. The latter roads were built to specifications equivalent to link streets as set out in DMURS. The proposed development would include the upgrade of Cooney's Road Lane in front of the site to a similar standard. The roads serving the application site

are therefore of a standard appropriate to their function. The proposed development would not, therefore, give rise to a traffic hazard. The traffic calming measures along the Bellevue Road that are proposed as part of the application are sensible in themselves and would improve the pedestrian environment in the residential area to the north of the site. However they are unlikely to affect traffic congestion much either way. Given that the proposed development involves upgrading the public road along the site boundary and traffic calming works elsewhere, it would not be reasonable to impose a special financial levy for other works to public streets.

11.6.2. The contribution of the proposed development to congestion on those the surrounding road network would be marginal, as described in the submitted Transport and Traffic Impact Assessment. The impact of traffic from development is a function of the location, type and scale of that development. The suitability of this location for residential development is established by the zoning of the site. The scale of development that is appropriate on the site is determined by national and local planning policy on residential density. In these circumstances a revised or expanded Traffic and Transport Assessment would not generate information or analysis that would usefully inform a decision on the current planning application. As stated in section 11.1 above, refusing permission for the proposed development would not alleviate traffic congestion in this part of the city and the issue would not justify preventing or amending the proposed development of zoned land at an appropriate density.

11.6.3. Nevertheless there are some minor defects and inconsistencies in the description of the proposed street that depart from the applicable standards set out in DMURS. They can be properly addressed by condition. In particular, section 7 of the Engineering Services Report states that the entrance design is based on the NRA's BMRB *sic* and a design speed of 85km/h with corner radii of 10m for a rural area, while the other documentation submitted with the application refers to DMURS. Section 7 of the Engineering Services Report is not consistent with the proposal to improve Cooney's Lane in front of the site so that it can function as a street within the city that would provide access to the proposed residential development. If the lane is to retained as a rural road as described in the Engineering Services Report then it would not be safe to use it to provide access to a housing estate and the proposed development would be a traffic hazard. However this is not what is

proposed in the rest of the documentation submitted with the application and is considered to be an error that can be corrected by condition. It is noted that proposed southern access to Cooney's Lane is currently outside the 50km/h speed limit zone. Extending the speed limit is a matter for the council as a roads authority. However there is no reason to assume that the council would fail to exercise its powers in that regard in a reasonable manner that was consistent with its previous zoning of this area for residential development. Some of the internal streets in the scheme have carriageways that are 6m wide, which is excessive for their role as local streets. The treatment of streets described as shared spaces requires clarification with regards to width and surface treatment. The fact that footpaths are shown beside some of the shared spaces which would undermine their role as shared spaces. The proposed cycle track along Cooney's Lane is narrow. It would lead to conflict between pedestrians, cyclists and motorists because it fails to take account take account of the clearance on either side required under section 1.5.2 of the National Cycle Manual, or the need to provide clear segregation from pedestrians with more than painted lines as required under section 1.9.3 and 4.3.4 of the manual.

11.6.4. The proposed development would provide 2 car parking spaces for each house in accordance with the standards set out in the development plan. 94 car parking spaces would serve the 75 apartments, which would comply with the advice on the matter at section 4.22 of the 2018 apartment design guidelines. The proposed 10 parking spaces and 3 drop off spaces for the creche would be adequate. A loop road to serve the creche would not be in keeping with the approach to the layout of streets set out in DMURS, which seeks to control rather than facilitate vehicular movements in residential areas. The proposed provision of car parking is therefore acceptable. Adequate bicycle storage can be required for the apartments by condition.

## 11.7. **Water and Drainage**

11.7.1. It is noted that Irish Water have reported without qualification that it can facilitate connections to its networks to supply water and drain foul effluent from the proposed development

11.7.2. The site is in zone C under the 2009 Flood Risk Management Guidelines where residential development does not have to be subject to a justification test. The submitted surface water drainage design includes attenuation to maintain the greenfield runoff rate from the site up to the 1 in 100 year flood event in accordance with the council's Stormwater Management Guidelines. The council stated no objection to the development on grounds of drainage.

11.7.3. It is therefore concluded that the proposed development would not be likely to give have an adverse effect on the quality of water and would not be an undue risk of flooding nor would it give rise to an undue risk of flooding elsewhere.

### 11.8. **Heritage**

11.8.1. It is noted that the site is not subject to any designation for the protection of natural or cultural heritage. The existing habitat on the site is improved grassland which is not of particular ecological value. The development would result in the loss of the intermittent hedgerow along the roadside boundary of the site. This loss is acceptable in the context of the residential development of zoned land. The proposed development would have adequate drainage facilities and would be set back from the stream along the southern site of the site.

11.8.2. The proposed development would result in works to involve disturbance of the ground. It would be appropriate to require archaeological monitoring of such works. A requirement to provide an archaeological assessment prior to the making of a decision on this application, as would not be justified because the scale of the proposed housing development is by no means exceptional, the site has been zoned for residential development and there are no recorded archaeological monuments upon it.

11.8.3. The proposed development would result in the loss of an early 20<sup>th</sup> century house and other farm buildings. The proposed development would retain an element of one of those buildings. The design and layout of new housing in that part of the site would reflect the scale and pattern of the older buildings there. This response is appropriate given that the structures are not protected.

11.8.4. Having regard to the foregoing, it is concluded that the proposed development would not seriously injure the natural or cultural heritage of the area.



## 12.0 Recommendation

12.1. I recommend that permission be granted subject to the conditions set out below

## 13.0 Reasons and Considerations

Having regard to the site's location contiguous to the built up area of Cork on lands with a zoning objective for residential development in the Local Area Plan for Ballingollig-Carrigaline 2017-2023, the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, 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 or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity

2. The proposed streets shall be amended to comply with the applicable standards set out in the Design Manual for Urban Roads and Streets (DMURS) as follows-
  - a) The realignment of Cooney's Lane along the north-western site boundary shall be designed to provide a street that meets the specifications of a link street set out in DMURS with a design speed of 50km/h, with a footpath along its eastern side and with one-way cycle lanes or cycle tracks on both sides segregated from the footpath designed in accordance with section 4.3.2 or 4.3.4 of the National Cycle Manual issued by the National Transport Authority. The realignment of Cooney's Lane shall be completed in accordance with these standards to the satisfaction of the planning authority prior to the occupation of any of the permitted houses or apartments.
  - b) The other streets in the proposed development shall meet the specifications for local streets set out in DMURS. In particular their carriageway shall not exceed 5.5m in width. Streets with shared surfaces shall have a suitably distinctive surface, a width of 4.8m and no division between carriageway and footpath. The additional space required for vehicle to manoeuvre out of perpendicular parking spaces on the local streets shall be provided in the manner set out in section 4.4.9 and Figure 4.82 of DMURS without exceeding the limits on the widths of local streets.

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

**Reason:** To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual

3. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details for the diversion of the existing overhead line that crosses the western part of the site, and for the protection of the 110kV overhead line that crosses the eastern part of the site during works to carry out the development.

**Reason:** In the interests of orderly development and public safety.

4. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission or the prior written agreement of the planning authority has been obtained for minor departures from the submitted details. Details of the treatment of surfaces shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual and residential amenity

5. Proposals for street names, 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 signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

6. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of bicycle parking and refuse storage for the proposed apartments in accordance with section 4.9 and 4.17 of

the Guidelines on Design Standards for New Apartments issued by the minister in 2018.

**Reason:** In the interests of residential amenity and public health

7. 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.

8. 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 interests of public health

9. 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:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(g) The protection of trees on the site in accordance with the tree protection plan submitted with the application

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

**Reason:** In the interest of amenities, public health and safety

10. Site development and building works shall be carried out only between the hours of 0700 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.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. 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

14. 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

15. 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

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Stephen J. O'Sullivan

Planning Inspector  
7<sup>th</sup> March 2019