



An
Bord
Pleanála

Inspector's Report ABP-306022-19

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| Development | The construction of 27 dwelling houses and all ancillary site development works, including access off the L-2216. |
| Location | Lands adjacent to The Rectory, Minister's Cross, Carrigrohane, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 19/4350 |
| Applicant(s) | Hilda O'Shea |
| Type of Application | Permission |
| Planning Authority Decision | Grant, subject to 46 conditions |
| Type of Appeal | Third Party -v- Decision |
| Appellant(s) | Cortica Property Ltd |
| Observer(s) | None |
| Date of Site Inspection | 31 st January 2020 |
| Inspector | Hugh D. Morrison |

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1.0 Site Location and Description

- 1.1. The site is located at the SE extremity of the existing settlement of Carrigrohane, a largely residential settlement to the east of Ballincollig. Model Farm Road (R608) runs through this settlement from its junction with Wilton Road (R641), in the east, to its junction with the N22 and Ballincollig, in the west. The site lies 3.3km from the former junction and 0.8km from the latter one. It is accessed off the Carriganarra Road (L-2216), which runs to the south of the R641 and which joins it to the NE of the site.
- 1.2. The site itself is triangular in shape and it extends over an area of 1.94 hectares. This site accommodates a former rectory set within its own grounds. This rectory is sited in a position adjacent to the northern boundary and to the west of its mid-point. It is served by a driveway, which is accessed from the east off the L-2216. The rectory is accompanied by outbuildings on its northern side. Its front and rear elevations face east and west, respectively, and it lies within its own grounds, which include an extensive front lawn in the NE portion of the site. The entire southern portion of the site comprises a paddock, which is presently grazed by two horses.
- 1.3. The site is bound by the L-2216 to the SE, the rear gardens to dwelling houses on a residential cul-de-sac to the west, and a field to the north. The first of these boundaries is denoted by a stone wall with a hedgerow and trees, the second by a fence and trees, and the third by a hedgerow and trees. The entrance to the driveway is recessed and gated. The driveway is accompanied on its southern side by a beech hedge, which extends along the entirety of the internal division between the paddock and the residential grounds, and, on its northern side, by a metal fence, which extends northwards to separate a parking/turning area from the front lawn.

2.0 Proposed Development

- 2.1. As originally submitted, the proposal would have entailed the construction of 27 dwelling houses, 22 of which would have been sited in the paddock, 1 of which would have been sited at the extremity of the rear garden to the former rectory, and 4 of which would have been sited on the eastern side of the front lawn. Under revised plans, the solitary dwelling house was omitted and so 26 dwelling houses are now envisaged.

- 2.2. The majority of the proposed dwelling houses, i.e. 22 units, would be laid out on a new road network which would be accessed from the L-2216 at a point towards the southern corner of the site. This network would comprise effectively a spine road (N/S axis) with a cul-de-sac off it (SW/NE axis). It would be accompanied by single sided development to the west and SE, respectively. An area of open space and a children's play area would be provided between the former road and the latter cul-de-sac.
- 2.3. The minority of the proposed dwelling houses, i.e. 4 units, would be laid out in a row to the NE of the site entrance. They would be served by two shared driveways, which would be accessed off the L-2216.
- 2.4. The entire frontage of the site onto the L-2216 would be provided with a public footpath.
- 2.5. The proposed 26 dwelling houses would comprise the following sizes and types of units:
 - 6 four-bed detached dwelling houses (house types A1-4, each 185 sqm),
 - 6 four-bed semi-detached dwelling houses (house types C1/2, each 134.8 sqm)), and
 - 14 three-bed semi-detached dwelling houses (house types B1/2, each 119.4 sqm, & D1, each 90 sqm).
- 2.6. The former rectory has a floorspace of 381.8 sqm and the proposal would provide 3531.6 sqm of new residential floorspace.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following receipt of clarification of further information, permission granted, subject to 46 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Further information sought with respect to:

- Trees and sightlines along the eastern boundary,
Turning manoeuvres of refuse and emergency vehicles within the site,
Splaying of accesses to Nos. 15 – 18, and
Minimum widths of carriageway and footpath cited, along with radii.
- Turning heads to meet the requisite recommendations,
Juxtaposition of the accesses to Nos. 13 & 14 unsatisfactory, and
Consistency of turning head depiction forward of Nos. 19 & 20 required.
- Will the proposed pumping station be “taken in charge” by Irish Water?
Greater use of soakaways required to ease volume of surface water discharge to the public surface water drainage system,
Efficacy of proposed soakaways for the site needs to be demonstrated,
Drainage system for on-site roads needs to be independent of that which serves the relevant existing local road, and
Locations, distribution, and efficacy of proposed road gullies to be shown/demonstrated.
- Fuller and explicit interaction with the Planning Authority’s Recreation and Amenity Policy required.
- Relationship that would exist between the dwelling house proposed for Plot No. 15 and the adjacent dwelling house shown in outline for the adjoining housing site to the north to be addressed.
- Plot No. 14 to be omitted and incorporated in perpetuity into the curtilage of the former rectory.
- All boundary treatments to be made explicit and reconciled with landscaping proposals.
- Specific clarifications of boundary details highlighted.
- Is there a right of way along the eastern boundary of the site through Developable Area A?

- Reconciliation of differing notation on plans concerning the proposed treatment of the western boundary needed, and
Detailed presentation of all aspects of the western boundary to be prepared.
- Omit extended barges from proposed house designs.
- Identify trees to be removed by means of their tag numbers.
- The removal of specified trees is queried, and greater retention requested, and
Seven trees could be spared if the proposed pumphouse were to be re-sited.
- Significance of black dotted outlines to certain trees queried.
- Clarification as to the retention of specified trees requested.
- Potential conflict between the retention of certain trees and the amenity value of proposed gardens to be addressed.
- Public lighting proposals requested.
- Areas to be “taken in charge” to be identified.

Clarification of further information sought with respect to:

- A letter from Irish Water concerning the future of the proposed pumping station.
- Enlargement of the neighbourhood play area and public open space required.
- Revisions to the public lighting proposals to be made.
- The following revisions to the site layout:
 - Turning heads need to be enlarged,
 - Access to Plot No. 1 would be problematic,
 - Conflict between hedges and turning heads to be resolved,
 - Extension of proposed weld mesh fence along the entire northern boundary,
 - 2m high lockable gates to serve the proposed pumping station,
 - Specifics with respect to the boundary treatments to Plot No. 26,

- Specifics with respect to the boundary treatments to Plot No. 1, and
- The pedestrian crossing forward of Plots Nos. 2 & 3 to be re-sited across the entrance to the site.

3.2.2. Other Technical Reports

- IFI: Confirmation of Irish Water's support for proposal sought.
- Cork County Council:
 - Housing Officer: No objection.
 - Public Lighting: Further information requested; no further comments received.
 - Area Engineer: Clarification of further information requested; no further comments received.
 - Environment: Following receipt of clarification of further information, no objection, subject to conditions.
 - Estates: Following receipt of further information, no objection, subject to conditions.
 - Engineering: Following receipt of clarification of further information, no objection, subject to conditions.

4.0 Planning History

Site

- Pre-application consultation occurred on 22nd January 2019.

Adjoining site to the north

- 18/4161: 40 dwelling houses (36 dwelling houses as revised) + access from R608: Permitted at appeal ABP-302283-18, subject to conditions, one of which omits 3 dwelling houses, i.e. Nos. 19, 20, and 21, to give a final total of 33 permitted dwelling houses.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), Ballincollig is identified as a main town.

Under the Ballincollig – Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the Cork Metropolitan Strategic Land Reserve Special Policy Area and in that portion of this Land Reserve that is within the development boundary and zoned residential.

Under the LAP's Specific Development Objectives, the site is identified as the southern portion of the zoned lands (BG-R-03), in which "Medium A Density Residential Development" is prescribed. Under Objective HOU 4-1 of the CDP, the said density equates to 20 – 50 units per hectare.

The site accommodates The Rectory, a former rectory, which is identified in the NIAH under reg. no. 20907362.

5.2. Natural Heritage Designations

- Great Island Channel SAC (001058)
- Cork Harbour SPA (004030)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 1.94-hectare site to provide 26 new build dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Planning history

- Attention is drawn to the applicant's appeal (ABP-302283-18) against the appellant's application (18/4161) to develop the lands adjoining the subject site to the north and in particular the impact upon the setting, character, and ambience of the former rectory, within its grounds. And yet unlike the current proposal, the curtilage was wholly outside the said lands.
- Particular concern was expressed over the proximity of the then proposed dwelling houses nos. 19, 20 & 21, which were proposed for positions adjacent to the northern boundary of the said grounds. And yet under the current proposal 4 dwelling houses would be sited in the lawn.
- Concern was also expressed over the proximity of proposed dwelling houses to trees along the northern boundary of the said curtilage. And yet under the current proposal Plot No. 15 would be beside some of these trees.

Zoning and density

- The applicant's presentation of the density of the proposal is critiqued on the basis that it is stated in relation to each of the developable areas rather than the site as a whole.
- The view is expressed that, as the curtilage of the former rectory is unavailable for development, the remainder of the site needs to be developed to a higher density by way of compensation.
- If the zoned lands are taken together (3.66 hectares identified as BG-R-03 in the LAP), then under the Medium A density standard, a total of between 73 – 183 dwellings should be provided. The northern portion of these lands was the subject of a proposal, originally for 40 dwellings, which was reduced to 36. Accordingly, the subject site should be developed for a minimum of 37 dwellings to ensure that the aforementioned range is reached. However, only 26 dwellings are proposed, representing a density across the southern portion of these lands of 17 dwellings per hectare.

- Attention is drawn to the Sustainable Residential Development in Urban Areas Guidelines, which indicates the lands such as the subject site should have a net density of 35 – 50 dwellings per hectare. Given that the site is adjacent to Ireland’s first 24-hour bus service, to accede to the proposed low density on this site would be inefficient and it would establish an adverse precedent.
- Attention is also drawn to ABP-304271-19, wherein the Board took exception to a density of 13 dwellings per hectare on a site identified for Medium B density standard of between 12 – 25 dwellings per hectare. Given that the subject site is a Medium A one, the Board is requested to pay particular regard to this previous decision.

Access and connectivity

- The layout of the appellant’s site reflects the objective of ensuring connectivity between this site and the subject site and yet, notwithstanding this layout, the current proposal fails to avail of the connectivity on offer.
- The case planner raises the question as to why the aforementioned connectivity has not been availed of. She also questions the extent of tree loss under the proposal, some of which could be spared were this connectivity to be availed of.
- The absence of connectivity runs contrary to advice set out in DMURS. The complete absence of connectivity between the two adjoining sites is thus a missed opportunity. (The omission of 3 dwelling houses from the appellant’s site adjacent to the subject site increase still further the scope for such connectivity).
- Within the subject site, connectivity between Plots Nos. 15 – 18 and the recreational facilities proposed for the centre of the site would be difficult, i.e. it would entail a circuitous route along the proposed footpath to the L-2216 and through the main body of the housing scheme. Likewise, the failure to access these Plots through the appellant’s site means that 2 additional shared access points off the local road are needed.
- The absence of connectivity extends to the provision of service infrastructure and so a “duplicate” pumping station is proposed for the subject site.

Design and layout

- Policy HE 4-2 of the CDP states that the Planning Authority will have regard to structures listed on the NIAH in its development management functions. The former rectory is such a structure and yet its outlook and setting would be adversely affected by the siting of dwelling houses on Plot Nos. 15 – 18, the rear boundaries to which would face this structure.
- Plot Nos. 19 – 27 would have rear boundaries onto the L-2216 and Plot No. 1 would have a continuous side boundary onto this local road. The opportunity for passive surveillance of the footpath proposed for the nearside of the road would thus be lost.
- The case planner's supervisor expresses the lament that, had the zoned lands been the subject of a comprehensive development approach, a more cohesive and higher density outcome would have been forthcoming.

6.2. Applicant Response

The applicant begins by reviewing her appeal (ABP-302283-18) of the appellant's proposal for the adjoining lands to the north of the subject site. She considers that this appeal was vindicated, as it led to the Board omitting 3 dwelling houses adjacent to the northern boundary of this site.

The applicant states that she endeavoured to collaborate with the appellant, but this ultimately did not prove possible.

The applicant has no objection in principle to a footpath link between the two adjoining sites. However, such a link would not have negated the need for a footpath along the L-2216 and it would entail a breach in the treeline, which otherwise would remain intact.

The applicant agreed upon Plot Nos. 15 – 18 with the Conservation Officer prior to the submission of the current application.

The applicant describes the site and her proposal, and she summarises relevant planning policies.

The applicant discusses further her appeal. She draws attention to the greater proximity of the dwelling houses that were omitted to the former rectory than those

that are proposed for Plots Nos. 15 – 18. Indeed, the latter dwelling houses would be 55m away. In this respect, the case planner has no concerns about the privacy of the former rectory.

The applicant proceeds to respond to the grounds of appeal as follows:

(i) The proposed density does not comply with the zoning objectives for the site:

- As originally submitted, the proposal was for 27 dwelling houses. This was subsequently revised to 26. As the site includes the former rectory and its grounds, the majority of which are not deemed to be developable, the actual area of the site available for development is 1.07 hectares. Accordingly, the density of this proposal would be 24.3 dwellings per hectare, i.e. within the range of 20 – 50 for Medium A density standard sites.
- Exception is taken to the appellant's critique on the basis that its permitted proposal for the adjoining lands to the north exhibits a comparable density to that which is now proposed for the subject site. Indeed, this density would be lower, i.e. only 33 dwellings were finally permitted for a 1.81-hectare site, thereby exhibiting a density of only 18.2 dwellings per hectare. In this respect, a balance was struck between planning policy imperatives and the local context of the site. Significantly, the appellant's site is not as constrained as the applicant's.
- Contrary to the appellant's contention that the current proposal would represent too low a density, it would actually be higher than that permitted for the appellant's site. Thus, once the former rectory grounds are omitted from the calculation of site area, the current proposal exhibits a density of 24.3 dwellings per hectare while the appellant's would exhibit only 18.2.

(ii) The proposed development with multiple access points constitutes a traffic hazard:

- The road connectivity advocated by the appellant would only afford access to Plots Nos. 15 – 18. Thus, the main body of the site would not be affected. However, the insertion of such a road would have the effect of moving the 4 dwelling houses in question closer to the former rectory, thereby potentially affecting its setting.

- A planning gain resulting from the current proposal would be the provision of a footpath along the L-2216, which would connect with a similar footpath around the appellant's site and on along the existing footpath network in the wider locality.
- Given the appellant's in-principle objection to the proposal, discussion of a connection to its proposed pumping station is unusual. Nevertheless, insofar as the applicant would enter into a connection agreement with Irish Water, its proposal would benefit from any future upgrades of water infrastructure.

(iii) The layout has not had sufficient regard to the rectory, and does not provide any passive surveillance to the local road to the east:

- The current proposal represents a "conservation led" approach to the development of the remainder of the BG-R-03 lands. While a more integrated form of development across the totality of these lands would have been optimum, agreement on the same between the adjoining landowners has not been possible. In these circumstances, the current proposal would be appropriate.
- The appellant had not referenced the applicant's Planning and Design Statement, which demonstrates the consistency of the proposal with the relevant 12-fold criteria of the Urban Design Manual.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

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

- (i) Land use, planning history, conservation, and density,
- (ii) Development standards and amenity,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) Stage 1 Screening for AA.

(i) Land use, planning history, conservation, and density

7.2. Under the LAP, the site is identified as the southern portion of lands zoned residential (BG-R-03). The northern portion was granted permission by the Board for 33 residential units on 15th April 2019 (ABP-302283-18).

7.3. The site accommodates a former rectory, which is identified in the NIAH as being of regional interest (reg. no. 20907362). Under Policy HE 4-2 of the CDP, the Planning Authority undertakes to “Give regard to and consideration of all structures which are included in the NIAH for County Cork...in development management functions.”

7.4. The former rectory is sited in a position adjacent to the northern boundary of the site and to the west of its mid-point. During my site visit, I observed that it lies within its own grounds, which abut the said northern boundary. These grounds comprise a rear garden, a continuous driveway/parking/turning area, and a front lawn.

7.5. The adjoining site to the north, which was the subject of ABP-302283-18, was granted permission for 33 residential units. This total represented a reduction on the 40 originally proposed and the 36 granted draft permission by the Planning Authority. The Board omitted a further 3 units under condition 2(a), to ensure the protection of the character and setting of a structure included on the NIAH, i.e. the former rectory. These 3 units would have been detached two storey dwelling houses, each of which would have presented a southerly side elevation to the common boundary between the two adjoining sites. The dwelling house on plot no. 19 would have been sited due

north of the former rectory, while the dwelling houses on plots nos. 20 and 21 would have been sited due north of the aforementioned front lawn. The common boundary itself is denoted by a mature hedgerow and trees.

- 7.6. During my site visit, I observed that from the site entrance and the driveway, the front lawn forms an important part of the setting to the former rectory. I also observed that this lawn is adjacent to the front elevation of the former rectory and it adjoins the parking/turning area in front of this elevation. The front lawn is overlooked from these vantage points and there is thus a strong physical and visual relationship between it, on the one hand, and them, on the other hand.
- 7.7. Under the current proposal, a row of 4 detached two storey dwelling houses would be sited on the eastern side of the front lawn. These dwelling houses would address the L-2216 and so their rear elevations would present to the front elevation of the former rectory over a distance of 52 – 68m. Their rear gardens would be 10m deep and they would be enclosed by means of 1.8m high stone walls with accompanying beech hedges.
- 7.8. I am concerned that, insofar as the said 4 dwelling houses would be constructed in that portion of the grounds of the former rectory which fulfil the role of a front lawn and contribute significantly to its setting, they would be an intrusion into these grounds that would inevitably detract from the said setting and compete with this building, which is of recognised historic interest.
- 7.9. In expressing the aforementioned concern, I am mindful of the Board's approach, outlined above under ABP-302283-18, and I consider that, as the visibility of the dwelling houses now in question would be much greater than those previously omitted and their proximity would be comparable to that previously exhibited by the dwelling house proposed for plot no. 21, the case for the omission now of the row of four dwelling houses is underscored.
- 7.10. Turning to density, the LAP zoning of the site advised that it should be developed for "Medium A Density Residential Development", i.e. between 20 – 50 units per hectare. Under the Sustainable Residential Development in Urban Areas Guidelines, 35 – 50 dwellings would normally be envisaged for an outer suburban/greenfield site, such as the subject one. Furthermore, a minimum of 50 should be achieved, where sites are within 500m of a bus stop on a high frequency route. In this respect, the site

would be borderline, as the nearest inward-bound bus stop on New Model Farm Road served by the 24-hour No. 220 service is c. 500m from the entrance to the proposed on-site road network, and the nearest outward-bound bus stop is c. 700m away.

- 7.11. The parties have critiqued the densities that would be achieved by their respective proposals for the northern portion of the lands zoned under BG-R-03, i.e. the ABP-302283-19 site, and the southern portion, i.e. the subject site. I note that, under the former 1.815-hectare site, 33 dwellings were permitted and so the resulting net density would be 18.18 units per hectare. I note, too, that, while the subject site has an area of 1.94 hectares, as discussed above the entire grounds of the former rectory should be excluded from being developed and so the area of the paddock alone is available for development, i.e. 0.912 hectares. As 22 dwellings would be sited over this area, the resulting density would be 24.12 units per hectare.
- 7.12. In the light of the foregoing paragraph, the density of the current proposal would compare favourably with that of the one previous permitted to the north, which would be more conveniently placed for the bus stops identified above. That said it would come within the lower reaches of the range sought by the CDP and it would fall below that which is envisaged by the Guidelines.
- 7.13. I recognise that there are several constraints effecting the site which have a bearing on the question of the level of density that can reasonably be achieved. Thus, while the paddock does not form part of the grounds of the former rectory, it still maintains a close relationship with this historic dwelling house that needs to be handled sensitively. Under the current proposal, the area of open space and the children's play area would be in the vicinity of the southern elevation of this dwelling house, as would the single storey pumping station which would be screened by hedging. Likewise, the retention of mature trees along the western boundary and in the southern corner of the site is of importance, too. I am also mindful that the overall number of dwelling houses would be relatively small and that the site is directly comparable to the one that was permitted for a lower density to the north.
- 7.14. I, therefore, conclude that the row of 4 dwelling houses to the east of the former rectory should be omitted to ensure that the setting of this historic dwelling house is respected. I also conclude that, whereas the density that would be achieved by the

contracted proposal would be lower than that which would be normally sought under the relevant national planning guidelines, the size of the proposal and the existence of both site-specific constraints and the precedence of ABP-302283-18 provide mitigating circumstances to relieve any objection in this respect.

(ii) Development standards and amenity

- 7.15. The contracted proposal would entail the construction of 22 two-storey dwelling houses in the southern portion of the site, i.e. the paddock. All but 2 of these dwelling houses would be semi-detached. They would comprise 14 three-bed and 8 four-bed units. The former would have floorspaces that would be either 90 sqm or 119.4 sqm and the latter would have floorspaces that would be either 134.8 sqm or 185 sqm. Thus, this proposal would comprise a reasonable mix of house types and sizes.
- 7.16. The applicant has submitted a Schedule of Accommodation and Housing Quality Assessment, which sets out quantitatively the accommodation that would be provided in each house type, along with private amenity space. Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines is of relevant in this respect. The proposed house types would exceed the recommended areas set out in this Table, except in the case of house type D1, where areas would be just shy of what is recommended, e.g. overall floorspace would be 90 sqm rather than 92 sqm and aggregate living and bedroom floorspace would be 30.9 sqm and 30.6 sqm rather than 34 sqm and 32 sqm.
- 7.17. The layout of the site would comprise one-sided development in the western and SE portions of the paddock. The former dwelling houses would be orientated roughly on an E/W axis and the latter on a NW/SE axis. They would overlook the open space and children's play area, which extend over an area of 0.15 hectares or 14% of the area of the paddock. The most southerly of the western row of dwelling houses would present a side elevation to the L-2216, while the SE row would present rear elevations to this local road. The latter presentation would not be ideal. However, along the roadside boundary the proposed 1.8m high walls to the rear gardens would be clad in stone and aligned to the rear of a landscaped strip with a line of new beech trees planted within it. Thus, the rear elevations of and the rear gardens to the proposed dwelling houses would be partially screened.

- 7.18. Under further information, the applicant submitted a Tree Inventory of the site, which identifies trees to be removed and the reasons for such removal. This Inventory indicates that, to the NE of the proposed new site entrance, 8 trees would be removed, 3 of which are categorised as B2. Likewise, to the SW, 5 would be removed, 2 of which are categorised as B2. A further one, tree ref. no. 7488, would be retained as it is a beech categorised as A2. Its lower branches would be cutback, as appropriate, to ensure that needed sightline visibility is not impeded.
- 7.19. Elsewhere, the vast majority of trees along the western boundary would be retained as being compatible with the proposal. Such retention should be conditioned. Three would, however, be removed due to their proximity to proposed dwelling houses, one of which would be a beech categorised as A2. The omission of the row of 4 dwelling houses in the NE portion of the site would allow for the retention of an attractive beech hedgerow in the NE corner categorised as B2. Replacement planting along the eastern boundary, to compensate for hedgerow and tree loss required there to facilitate the construction of a public footpath along the nearside of the L-2216, should also be conditioned. A temporary fence may be needed in this respect until such planting becomes established. This, too, should be conditioned.
- 7.20. I conclude that the proposal would generally accord with relevant development standards and that, subject to tree retention on the western side of the paddock and tree and hedgerow planting on the SE side, it would be compatible with the amenities of the area.

(iii) Traffic, access, and parking

- 7.21. The contracted proposal would generate traffic, which would be capable of being accommodated on the L-2216. With the omission of the row of 4 dwelling houses, 2 shared access points from this local road would be omitted, too, and so the proposal would entail the construction of only one additional access point off this road. This access point would be sited towards the southern corner of the site and it would be accompanied by the requisite DMURS sightlines of 2.4m x 59m. Drawing no. 5186-0012 revision E illustrates how the SW sightline would be compatible with the retention of the roadside beech tree discussed under the second heading of my assessment.

- 7.22. Under the proposal, a public footpath would be constructed along the entirety of the SE boundary of the site. This footpath would be designed to tie in with a similar public footpath, which would be constructed along the eastern boundary of the adjoining site to the north, which was the subject of ABP-302283-18. It would entail the removal of the existing boundary treatment, i.e. to the SW of the existing site entrance, a stone wall, hedgerow, and trees, and, to the north, a hedgerow and trees. The public footpath would improve pedestrian connectivity with New Model Farm Road, and it would also facilitate the aforementioned sightlines and improved ones at the existing site entrance.
- 7.23. At the application stage, the proposed on-site road layout was revised to meet the requirements of the Area Engineer. This layout would entail the specification of turning heads at the end of the spine road and the cul-de-sac and it would incorporate a pedestrian crossing at its entrance and other traffic calming measures elsewhere.
- 7.24. Each dwelling house would be accompanied by the requisite 2 off-street car parking spaces. These spaces would be laid out in parallel to one another in positions forward of each dwelling house.
- 7.25. I conclude that traffic generated by the contracted proposal would be capable of being accommodated on the L-2216 and that the proposed new entrance to the southern portion of the site and the accompanying public footpath along the SE boundary of the site with this local road would be satisfactory. The on-site road layout in this portion of the site would be satisfactory as would the level and design of car parking provision.

(iv) Water

- 7.26. Under the proposal, the proposed dwelling houses would be supplied with water from the public mains, which runs underneath the local road that adjoins the site to the SE. A pre-connection enquiry, in this respect, has been made with Irish Water.
- 7.27. Under the proposal, the proposed dwelling houses would be served by a foul water sewerage system, which would incorporate a pumping station from which effluent would be discharged from the site via a new rising main that would connect to a manhole at the junction between the L-2216 and the Oaklee Housing Estate to the west of the site. A pre-connection enquiry, in this respect, has been made with Irish

Water. This pumping station would ultimately be “taken-in-charge” by Irish Water. In the interim, its maintenance would be the responsibility of the developer.

- 7.28. The proposal would be served by a surface water drainage system, which would reproduce existing greenfield run-off rates by incorporating an attenuation tank with accompanying bypass separators and a hydro-brake. This system would be designed to ensure that surface water run-off from the on-site road layout is dealt with independently of the adjoining local road. It would discharge via a rising main to the stormwater sewer underneath New Model Farm Road.
- 7.29. The proposal does not make explicit the incorporation of other SuDS methodologies such as permeable surfacing materials to the proposed off-street car parking spaces and the use of soakaways in rear gardens. Such methodologies should be conditioned.
- 7.30. Under the OPW’s flood maps, the proposal is not shown as being the subject of any identified flood risk.
- 7.31. I conclude that the water aspects of the proposal raise no issues.

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- 7.32. The site is not in or near to a Natura 2000 site. It would be developed to be a fully serviced urban site. I am not aware of any source/pathway/receptor route between the site and the nearest such sites. Accordingly, no Appropriate Assessment issues would arise.
- 7.33. Having regard to the nature of the receiving environment and the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the following:

- Sustainable Residential Development in Urban Areas Guidelines,
- Quality Housing for Sustainable Communities: Best Practice Guidelines,
- National Inventory of Architectural Heritage (NIAH),
- Cork County Development Plan 2014 – 2020,
- Ballincollig – Carrigaline Municipal District Local Area Plan 2017, and
- The Board’s decision (ABP-302283-18) on the adjoining site to the north,

It is considered that, subject to the omission of the 4 dwelling houses proposed for the NE portion of the site, the proposal would both comply with the residential zoning of the site and respect the character and setting of The Rectory, a historic dwelling house identified in the NIAH. Likewise, in the light of site constraints and the permission granted to the adjoining site to the north, the density of the proposal would not warrant objection. The proposed dwelling houses would afford a satisfactory standard of amenity to future residents, as would the proposed open space and children’s play area. The combination of tree retention and tree replacement would ensure that the proposal would be compatible with the amenities of the area, too. Traffic generated by the proposal would be capable of being accommodated on the adjoining L-2216 and the new site entrance and on-site road layout would be acceptable. The proposal would be capable of being satisfactorily supplied with water from the public mains and served by the public foul and stormwater sewerage system. No Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28 th day of June 2019 and by the clarification of these further plans and particulars submitted on the 8 th day of October 2019, 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 |
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| | <p>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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The proposed development shall be amended as follows:</p> <p>(a) The dwelling houses proposed for plots numbered 14 – 17 shall be omitted along with their access arrangements from the L-2216.</p> <p>(b) Consequently, the Tree Impact Inventory submitted to the Planning Authority on 28th June 2019 shall be amended to show the retention in full of the hedgerows identified as 7535-36 & 7538-39.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the order to ensure that the character and setting of The Rectory, a historic dwelling house identified in the NIAH, is respected in the interests of conservation and amenity.</p> |
| 3. | <p>Trees identified for retention in the Tree Impact Inventory, as amended by condition 2(b) above, shall be retained for the duration of the development. If, in the future, any such trees are found to be dead, dying or dangerous through disease or storm damage, then their removal shall only proceed on the basis of a qualified tree surgeon's report, which is agreed in writing with the Planning Authority and they shall, likewise, be replaced with agreed species.</p> <p>Reason: In the interest of visual amenity.</p> |
| 4. | <p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its</p> |

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| | <p>full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p> |
| 5. | <p>The landscaping scheme shown on drawing no. 200 revision 2, as submitted to the planning authority on the 8th day of October 2019, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out: Replacement planting of 10 beech trees and native hedging to the eastern boundary of the front lawn to The Rectory. A temporary fence shall, likewise, be erected along this boundary, until such times as the hedging is established.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 6. | <p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning</p> |

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| | <p>authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p> |
| 7. | <p>Prior to the commencement of development, a scheme for the detailed design of the proposed children's play area shall be submitted to and agreed in writing with the Planning Authority and, thereafter, the agreed scheme shall be fully implemented prior to the first occupation of any of the dwelling houses. It shall be maintained by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure that a satisfactory children's play area is available at all times for the use of future residents.</p> |
| 8. | <p>Except for plots numbered 14 – 17, site boundary treatments shall be undertaken in accordance with drawing no. 250 revision 1 submitted to the Planning Authority in 8th October 2019.</p> <p>Reason: In the interest of visual amenity.</p> |
| 9. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 10. | <p>(a) The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to the commencement of development.</p> <p>(b) The applicant or developer shall maintain the pumping station until such time as it is taken in charge by Irish Water.</p> <p>Reason: In the interest of public health.</p> |
| 11. | <p>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.</p> |

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| | Reason: In the interest of public health. |
| 12. | <p>The internal road network serving the proposed development including turning bays, junctions, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |
| 13. | <p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p> |
| 14. | <p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 15. | <p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p> |
| 16. | <p>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</p> |

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| | <p>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.</p> <p>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.</p> |
| 17. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 18. | <p>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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of 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; |

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| | <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(i) 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;</p> <p>(j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>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.</p> <p>Reason: In the interest of amenities, public health and safety.</p> |
| 19. | <p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p> |

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| 20. | <p>Prior to the commencement of development, a detailed scheme for the public footpath, which is to be constructed along the south eastern/eastern boundary of the site with the L-2216, shall be submitted to and agreed in writing with the Planning Authority and, thereafter, this scheme shall be fully implemented prior to the first occupation of any of the dwelling houses.</p> <p>Reason: To ensure that the opportunity for local connectivity is available at all times to residents.</p> |
| 21. | <p>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.</p> <p>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.</p> |

Hugh D. Morrison
Planning Inspector

16th April 2020