



An
Bord
Pleanála

Inspector's Report ABP 306603-20

Development	Development of 44 no. dwelling houses (to replace 24 no. units permitted under PL04.214812)
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/6351
Applicant	Hallmark Building Services Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	<ol style="list-style-type: none">1. Shona & Andrew Quinlan2. Anna & Finbarr Sexton3. David & Jackie Mulqueen4. Barleyfield Residents Association5. Louise & Rory O'Donoghue
Observers	<ol style="list-style-type: none">1. Caroline Whitty Padgham2. David Goggin3. Anna & Finbarr Sexton
Inspector	Mary Kennelly
Date of site inspection	31 st July 2020

1.0 Site Location and Description

- 1.1.1. Whitechurch is designated as a 'Village' in the Cobh Municipal District Local Area Plan. It is situated c.10km to the north of Cork City, c.7km to the north-east of Blarney and c.3km to the west of Carrignavar. The village is generally rural in character and has a limited range of facilities and services, comprising of a petrol station with shop, a pub and community facilities. The site is located within the development boundary for the village on School Road. Several local roads converge at the centre of the village, which is located c.190m to the east. There are a number of small housing estates located close to the village centre and along School Road.
- 1.1.2. The site, which is roughly rectangular in shape, has a stated area of 2.34 hectares. It fronts onto School Road, which is a local road (L-2961) and the site is on the northern side of this road. It is a greenfield site which gradually rises to the north. Levels also fall to the west, particularly at the southern end of the site. The roadside boundary is defined by a timber fence. Immediately to the west of the site lies a small cul-de-sac development known as Barleyfield. This consists of six houses which were permitted as part of a larger scheme of 121 houses, 6 duplex units and a creche which was granted by the Board in March 2006, (PL04.214812, PA Ref. 05/1025). The appeal site is accessed via the existing entrance to this development and a second entrance is also proposed to the east. There is a further existing cul-de-sac to the east of the site, known as Rosewood, which consists of c.12 houses, which is separated from the site by a large site containing a single dwelling house.
- 1.1.3. The eastern boundary is defined by trees and hedging which separate the site from a single dwelling house to the east of the site. The western and northern boundaries are largely undefined or poorly defined by intermittent hedging. There is a water reservoir on the lands to the north of the site, which is accessed through the site (via the eastern access road).

2.0 Proposed Development

- 2.1.1. The proposal entails the construction of 44 no. dwellings arranged around a central area of open space. There would be two entrances from the local road to the south with a new road leading perpendicular to the main road at the eastern end of the site and the western cul-de-sac being extended northwards also. The layout is designed

to continue the existing arrangement along the western access road which would then continue eastwards along the northern end of the site to meet the proposed eastern access road. Within this overall structure, there are three small cul-de-sacs proposed to be laid out as 'Home Zones.' The proposed development contains a mix of housing units, (2 bed, 3 bed and 4 bed), as well as a wide range of individual house designs. This includes 14 no. detached dwellings, 24 no. semi-detached dwellings and 6 no. terraced town-house dwellings. The detached dwellings are all 4-bedroomed with floor areas ranging from 152m² to 205m². The semi-detached dwellings are comprised of 14 no. 4-bedroomed (floor area of c.132m²) and 10 no. 3-bedroomed units, (ranging in floor area from 106m² to 114m²). The 6 no. terraced dwellings have a floor area of c.86m² and are 2-bedroomed. All of the proposed dwellings would be 2-storey in height, apart from one dwelling in the north-western corner, which would be single-storey.

- 2.1.2. It is proposed to retain most of the existing boundary landscape planting and to provide additional landscape screening around the perimeter of the site, and to plant further screening on the boundaries with the existing dwellings in Barleyfield. The density of the proposed development is 18.8 units/ha. A mix of housing units is proposed, and 2 units would be reserved as social housing. It is proposed to provide 2 parking spaces for each unit as well as visitor parking. All private gardens would be in excess of 60sq.m per unit. The proposed development includes a public lighting scheme. The public open space area represents 13.85% of the site. It is centrally located and overlooked by most houses, and includes two play areas, some natural playspace and a boules area. Four units would be made available under Part V.
- 2.1.3. It is proposed to connect to the public water supply and to the public wastewater system, sections of which are in private ownership. It is acknowledged that there are water supply constraints in Whitechurch, but the applicant has stated that extensive talks with Irish Water have resulted in an alternative supplementary supply being identified, which would have adequate capacity to serve the proposed development. Surface water will be disposed by gravity sewer to the public system, following attenuation using an existing attenuation pond, which was constructed to serve the original permission for the overall development of the lands. The development is proposed to be constructed in two phases.
- 2.1.4. The application is accompanied by:

- Planning Statement (McCutcheon Halley Planning Consultants)
- Services/Infrastructure Report (DOSA Consulting Engineers)
- Landscape Plan (Cunnane Stratton Reynolds Architects)
- Part V Costs Methodology
- Letter of consent (30/08/19) from landowners, Dan and Mary Buckley, giving consent to make the planning application and to construct 44 dwellings, to make a connection to and use the attenuation pond and wastewater treatment plant and associated pipes, and to carry out maintenance works to same.

Further unsolicited information was submitted on 2nd October 2019 comprising -

- Architect's Design Statement (E Project Chartered Architects)
- Outdoor Lighting Report (Astrotek)
- Drawings

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The P.A. decided to grant planning permission subject to 43 conditions including:

Condition 3: Part V agreement.

Condition 6: Construction traffic prohibited from using Barleyfield road.

Conditions 7-8: Various conditions regarding public lighting.

Condition 9 and 28: Requirements to enter connection agreement with IW and no dwelling to be occupied until water, drainage, sewage services and lighting installed and functioning.

Condition 10: Diversion of existing watermain which traverses site – agreement to be made with IW.

Condition 11: Sight distances of 65m at 3m back from road at entrance. **Cond 40** also requires adequate sightlines at all entrances and junctions.

Condition 34: Traffic Management Plan – showing all stop lines, traffic calming, pedestrian crossings etc. to be submitted and agreed prior to commencement of development. Cond. 42 requires raised tables in lieu of speed ramps/cushions.

Condition 35: Public open space – finished levels and gradients to be to P.A. satisfaction. Max. gradient of 8.5% and 2m wide grass strip to be maintained free of vegetation along roadside boundary.

Condition 43: Development contribution of €96,955.91 – GDSCS.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's report dated 19/11/19 notes the contents of the technical reports and reports from the prescribed bodies summarised below, as well as the issues raised in the third-party objections. It is noted that the site is within the development boundary of Whitechurch, which is expected to accommodate up to 50 new residential units over the lifetime of the Cobh Municipal District LAP (2017-2022). It was further noted that the recommended scale of individual housing developments is 20 units. The purpose of this is stated as seeking to prevent excessively rapid growth within smaller settlements and to ensure that new developments are in proportion to the pattern and grain of existing development, but can be exceeded where the existing character of the village is reinforced and it is phased and delivered such that the development does not represent a housing estate more suited to a larger settlement. In this instance, it was noted that the proposal is to be developed in two phases (22 units per phase), and that the layout and design is such that it would respect the character of the existing estate and would reinforce the character of the village. The density of the proposal, (at 18.8 dw/ha), which represents a considerable increase over the previous permission for 24 units (10dw/ha), was considered to be appropriate in this context given the new National Guidelines and the current CDP objectives to increase densities to 15-20 dw/ha for edge of village sites, the close proximity of the site to the village core and as there is adequate private and public space available within the development. It was further noted that the site forms part of an unfinished housing estate, which it was considered appropriate to complete.

Reference was made to the infrastructural constraints which had interfered with previous efforts to develop the site due to the uncertainty regarding water supply in particular. However, it was noted that correspondence from Irish Water had been included confirming that a supplementary source had been established, which has capacity to serve the development. It was noted that works are required to complete the source but that third party consent was not required, and as such, the matter could be agreed at connection stage. However, third party consent is required to connect to the foul water treatment system and that capacity in the system needs to be confirmed. It was noted that IW had required that such details must be provided before a connection agreement can be granted. The Board should note, however, that the P.A. had not received an observation directly from IW before the FI request was issued.

- 3.2.2. **FI was requested regarding 7 no. items**, which related to a wide variety of issues. These included amendments to the proposed development to address a difference in heights between proposed Units 13 and 22 and the existing units 17 and 19, screen planting between these existing and proposed properties, measures to address overlooking from Units 7 and 8 towards the neighbouring house to the east and further details relating to issues such as car parking, road and footpath widths, turning areas, boundary treatment and public lighting. In addition, further clarity was required in respect of the proposed connection to the public WWTP and availability of capacity. A revised Part V proposal was required.
- 3.2.3. **The Response to the FI submitted on 11/12/19** included revised drawings which sought inter alia to address the issues relating to the impacts on existing Units 17 and 19 and on the existing dwelling to the east, the amended Part V proposals and the Autotrack analysis with proposed speed control measures. Clarification regarding car parking provision, boundary treatment and landscaping proposals were also included and further documentation regarding capacity in the foul water drainage system was provided. The main revisions related to the proposals to lower the ground levels of the houses/plots adjacent to Nos 17/19, so that there would be no more than one metre difference in FFLs and revised window details to prevent overlooking of the house to the east of units 7/8. A revised Architectural Response was also submitted with the FI which addressed the issues raised in more detail.

- 3.2.4. The **second planning report** dated 09/01/20 following receipt of FI noted that based on the additional information regarding levels and relative distances, the relationships between Units 19 and 22 and between Units 17 and 13 are now acceptable. The revised window details at Units 7 and 8 were also considered acceptable. The additional information and revised details regarding car parking, public lighting, footpaths, turning areas and Part V units were all considered to be satisfactory.
- 3.2.5. In respect of the capacity of the wastewater treatment plant, it was confirmed that the WWTP was built in 2007 by EPS to serve a larger scheme (PE of 2,500). The applicant's engineers have confirmed that there is currently a capacity for an additional loading of 1,849.3 P.E. This was considered to be adequate by the Water Services Engineer (18/12/19) and the Area Planner. However, it was noted that the submission from IW had raised a new issue relating to the water main traversing the site. It was considered that this matter could be addressed by means of a condition requiring a diversion agreement to be entered into between the developer and IW.
- 3.2.6. A grant of permission subject to conditions was recommended.

3.3. **Other Technical Reports**

- 3.3.1. **Area Engineer's report (25/10/19)** recommends permission subject to conditions. No objections were raised in respect of roads and transport, as 65m sightlines were available in both directions, and it was stated that IW to be notified in respect of water supply and sewage disposal. In terms and the surface water/storm water drainage system for the development, it was stated that SW outflow is to be restricted to greenfield level by usage of the existing attenuation pond to the south. It was noted that the attenuation pond was constructed to serve the site and that a letter of consent from the owners had been submitted indicating that the developer had consent to connect to it and to use it. The AE also noted that the proposed flows are to be attenuated by adopting a flood storage detention tank along with restricted outlet as the control device and that discharge will be to a watercourse 900m to the south of the pond, via a 225mm stormwater pipe.
- 3.3.2. **Housing Officer report (30/10/19)** – It was considered that the site is well located in close proximity to the village with all its amenities and is suitable for social housing. The Council has a demand for social housing in this area and would seek 4 no. of

the proposed 2-bed units to be purchased under the Part V obligation. The unit size is adequate, but the units are all in one block which fails to meet the requirements of the guidelines. No objection to a grant of permission subject to the units being located in two separate blocks which will help integration of the social units. Accordingly, there is no objection s.t. conditions.

- 3.3.3. **Water Services Report (31/10/19)** – No objections raised subject to developer signing a connection agreement with IW prior to commencement of development in respect of connection to public water/wastewater network. It is also acknowledged that such connections are subject to the capacity and constraints of the Irish Water Capital Investment Programme.
- 3.3.4. **Estates Engineer report (15/11/19)** – clarification was required regarding road widths (min. 5.5m), kerb radii, footpath widths (min. 1.8m) and gradients of junctions (not greater than 2% for a distance of 7m from the junction). Raised tables were requested instead of speed cushions and an autotrack of turning for bin lorries/emergency vehicles was required. Boundary fencing consisting of 2m high timber panels with concrete posts was considered inappropriate and should be replaced by blockwork walls. Details of all retaining walls to be provided. **Further information was recommended.** The **Second Estate Engineer's Report (20/12/19)** states that there is no objection subject to conditions.
- 3.3.5. **Public Lighting Reports** dated 21/11/19 and 18/12/19 detail conditions to be attached should permission be granted. The earlier reports had identified concerns regarding location, design and specification of lights.

3.4. **Prescribed Bodies**

- 3.4.1. **Irish Water** in a letter dated 21/10/19 requested Further Information in respect of the existing 150mm watermain and wayleave which traverses the site. It was requested that access to the reservoir and pump house be kept free at all times and that details of how it is to be protected during construction or to be relocated/diverted should be agreed with IW and the P.A. prior to a planning decision.
- 3.4.2. **Inland Fisheries Ireland** in a letter dated 14/10/19 noted that it is proposed to dispose of septic tank effluent from this development to the public sewer. It is stated that IFI has no objection subject to confirmation from Irish Water that there is

sufficient capacity to prevent overloading, either hydraulically or organically, of existing treatment facilities, or result in polluting matters entering waters. However, if such an assurance is not possible, it is stated that there is an onus on the developer to provide a separate treatment and disposal option until the public facilities are adequate.

3.4.3. **An Taisce** – in a letter dated 30/10/19, noted that Whitechurch is a small settlement with very few existing services (petrol station and a pub). Therefore, a residential development of this scale would exacerbate unsustainable dependency on private cars, as residents would likely need to drive to surrounding towns or Cork City to access services. Although the village is served by Bus Eireann, the service is infrequent. Thus, proper phasing should be ensured in respect of provision of local services (e.g. a grocery store, health facilities etc.) and school capacity prior to granting permission for this scale of development.

3.4.4. **Irish Water (second submission)** – in a further letter to the P.A. dated 15th January 2020, it was confirmed that the developer had engaged with IW in regard to a Pre-Connection Enquiry, which has now been issued with a 'Confirmation of Feasibility' subject to the following:

Wastewater capacity – Sections of the wastewater network and the wastewater treatment plant in Whitechurch are in private ownership. Thus, the applicant must obtain consent to connect to this infrastructure. Confirmation of available capacity in the infrastructure, from the owner of the infrastructure, must also be provided to IW prior to connecting to the IW wastewater network.

Water Supply – There are capacity constraints in Whitechurch. However, a supplementary water source has been identified and is currently being tested to scope the treatment requirements. It is expected that this will provide the required drinking water capacity to facilitate this connection in the near future.

Existing watermain traversing the site – the 150mm watermain may be impacted by the proposed development. The applicant must, therefore, engage with IW to determine the feasibility of a diversion/build over and the outcome of the diversion enquiry must be submitted to the P.A.

Connection to public water/wastewater network – where the applicant intends to connect to such a network that is operated by IW, the applicant must sign a

connection agreement prior to commencement of development and adhere to the standards and conditions set out in the agreement. However, IW infrastructure capacity requirements and proposed connections to IW infrastructure will be subject to the constraints of the IW Capital Investment Programme.

3.5. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeals and observations received and summarised in section 6 below.

4.0 **Planning History**

- 4.1.1. **PL04.214812 (P.A. 05/1025)** – planning permission granted by the Board in 2006 following a third party appeal for 131 dwelling houses and a creche on a much larger site - (9.2ha) comprising two parcels of land, one to the north of School Road and the other to the south of this road and the village centre. The current application/appeal relates to the northern parcel of land. This permission had incorporated a total of 30 proposed housing units on the northern site which has been partially developed with a cul-de-sac of six detached houses at the south-western end, (Barleyfield). It is noted that the Inspector had raised concerns regarding water supply and had recommended refusal, but the Board had decided to grant permission and to condition this aspect of the development. The permission was extended under P.A. Ref. 10/8211, but it has now withered.
- 4.1.2. **P.A. 08/5736** – permission granted to Dan Buckley to remove condition no. 3 of 214812 to allow the construction of 7 no. dwellings on part of the site in the NE corner of the northern parcel.
- 4.1.3. **P.A. 08/6463** – permission refused for 26 dwelling units on the overall site involving a change of house plan permitted under 05/1025. This related to the southern parcel.
- 4.1.4. **P.A. 07/10054** – permission granted for relocation of 900cu.m. water storage facility and pumphouse to alternative site from that permitted under 06/10439. Site to north.
- 4.1.5. **P.A. 17/7280** – application for 26 houses on site withdrawn due to uncertainty regarding water supply in the area.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Chapter 3 – Housing – Existing Built-Up Areas include all lands within a development boundary which do not have a specific zoning objective. It sets out the housing policies and objectives including the following:

HOU 3-1 Sustainable Residential Communities – reference to national guidance on achieving high quality neighbourhoods.

HOU 3-2 Urban Design – high quality design and layout required.

HOU 3-3 Housing Mix – Intention to seek a mix of house types and sizes in accordance with the Joint Housing Strategy and National Guidelines.

Notwithstanding the desire to achieve higher densities (as set out in the Sustainable Residential Development in Urban Area Guidelines), it is acknowledged that there is a need to allow some lower density development in order to achieve a broader range of house types, particularly where there is a high demand for development in unserviced rural areas.

HOU 4-1 Housing Density on zoned lands – The site is designated as ‘Medium Density B’, with a recommended minimum of 12/ha net density and 25/ha maximum.

5.2. Cobh Municipal District Local Area Plan 2017

Provision is made for a growth in population within the Cobh municipal District of 19,036 persons. The number of households is expected to grow by 10,993 leading to a net requirement for 12,367 new houses. The majority of this growth has been allocated to the towns within the MD but it is proposed to accommodate c.1,045 units within the villages. However, it is stated that without further investment in water services, it may only be possible to deliver 545 housing units within the villages. Whitechurch is designated as a ‘Village’. The strategic aim is to establish Villages as the primary focus for the development of rural areas and to facilitate population growth at a scale, layout and design that will allow for the provision of services as well as reflect the character of each village, where water services and wastewater infrastructure is available. Table 2.3 indicates that Whitechurch is one where IW services are in place with broadly adequate existing water services capacity.

The overall aim for Whitechurch is to secure an increase in the population of the settlement, to retain and improve local services and facilities and to strengthen infrastructure provision and public transport connections. It is noted that between 2001 and 2011, the village population increased significantly through estate scale development, but that services in the village are limited (5.2.66).

The development boundary has been drawn in order to “focus moderate additional growth on lands close to the village core”. A sustainable level of growth, which would reflect the established grain of the village, is envisaged as a maximum of 50 units over the lifetime of the plan. In accordance with DoEHLG guidance, any new individual scheme should normally not exceed 20 units. Lands within or closest to the village core are to be developed first and must be of an appropriate density to facilitate integration with the landscape. It is also acknowledged -

In the past permission has been granted for development outside the scale now proposed and whilst opportunity remains for the implementation of any permissions granted, it is considered that development of that scale would not be in line with current Ministerial policy on the scale of development in villages.

5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

5.4. National Planning Framework (2018)

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.5. Natural Heritage Designations

Blackwater River SAC (site code 002170) is located c.10km to the northeast. Cork Harbour SPA (Site code 004030) is located c.12km to the southeast and Great Island Channel SAC (Site code 001058) is located approx. 12km to the southeast.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Third Party Appeals have been received from:

1. Shona & Andrew Quinlan, 19 Barleyfield
2. Anna & Finbarr Sexton, 17 Barleyfield
3. David & Jackie Mulqueen, 20 Barleyfield
4. Barleyfield Residents Association (Agent – John McCarthy Engineer)
5. Rory & Louise O'Donoghue, 22 Barleyfield

6.1.2. The submissions can be summarised as follows:

- **Development unacceptable in principle** – objection is raised to the proposal to access the development through the existing cul-de-sac road serving Barleyfield and to incorporating the existing public open space which the residents of Barleyfield have had exclusive use of to date. The proposed development will result in the diminution of the safe use, enjoyment and residential amenity of the estate. The residents had to fight hard to ensure that the roads, footpaths, green areas etc. were completed as the developer had abandoned the development prior to completion. Other villages (e.g. Carrignavar) have a much better range of facilities and amenities than Whitechurch, with better public transport connections to the city. Site is remote and there are more suitable lands within/closer to the village core which should be developed first. The proposal represents unsustainable development and is contrary to the planning policies for the area as expressed in the national and local guidance.
- **Density and scale of development exceeds LAP recommended** – It is specified that 50 units would be an appropriate scale for any development in Whitechurch over the lifetime of the LAP and that any one individual scheme should not exceed 20 units. It is submitted that a development of 44 houses exceeds this scale and is unsympathetic to the character of the village and would represent 88% of the overall maximum development potential over the next 4 years (2023). When taken together with existing and permitted development in the village, where planning permission has been granted for several housing estates over the years without the appropriate infrastructure or services being upgraded, the scale and density is not in keeping with the sustainable growth of the area. There should be a sequential approach with sites closer to the village core being developed first.
- **Local amenities are limited** – the amenities listed by the applicant are overstated. There is one local shop associated with the petrol station and one pub. The bus service to Cork is infrequent and does not operate at peak hours and would give rise to unsustainable travel patterns as everybody would be dependent on a car to access services. There has been no improvement in the level of services since the previous permission was granted by the Board (214812). The introduction of 44 additional units without a corresponding

upgrade of services and amenities available within the village would exacerbate the situation for existing residents. The development is therefore premature and unsustainable and is contrary to the Government's Sustainable Residential Development Guidelines.

- **Inadequate public water services infrastructure** – The water supply is inadequate and the wastewater infrastructure needs upgrading. The LAP states that upgrading of these systems is required before any further development takes place in Whitechurch.

Water supply - The Board's inspector (214812) had recommended refusal on the grounds that the water supply for the village is inadequate. The Board granted permission with the expectation that the infrastructure would be delivered, but this has not happened. Concern re water quality issues, particularly pH levels of water, and the available water pressure raise serious concerns regarding the ability of the existing infrastructure to cope with additional dwelling units at the scale proposed. Although a new supplementary water supply has been identified, it will require upgrading and there is no guarantee that this will be in place on time, as it is subject to the IW Capital Investment Programme. No reliable commitments or timelines from IW regarding funding of infrastructure deficit – note letter from IW dated 15/01/20 pre-dates the P.A decision order by one day. The wording of Condition 9 does not provide any certainty re time frames or delivery of said infrastructure. As no guarantee of funding (via CIP),

Wastewater - There is no public wastewater system in Whitechurch. The treatment location and point of discharge of effluent should be identified and the capacity as well as the applicant's ability to connect to the system should be clarified, particularly as no EPA Report available for Whitechurch. Clarification is required in respect of the capacity of the receiving waters and of the increased loading on a pumping station. This increased loading and discharges should be included in the AA Screening for the proposed development. The configuration and density of development, taken in conjunction with the site topography is not conducive to the provision of an appropriate gravity foul sewer network to service the development. The

design of the foul water pipes is insufficient to allow for discharge via gravity. This would give rise to risks of blockages occurring in the sewer network.

Surface water attenuation – The surface water drainage system is substandard with evidence of ponding on sites in Barleyfield. Details of storage volumes in application are inadequate. No information is provided of the adjustment required to the flow control at the discharge or of the location of the discharge point. The application is therefore deficient.

- **Layout unacceptable** – the proposed layout, with two entrances and associated access roads leading to a further internal road linking the two roads, will result in cars driving through the estate, thereby giving rise to disturbance and a traffic hazard for the children of the existing houses. This deviates from the permitted layout under 214812. The siting and design of public open space would diminish the amenity value of the existing estate. The proposed pathway and boules area traverse the existing rockery and planted area. This will result in people congregating and in noise and disturbance to existing residents and will attract outsiders into the estate. The proposal to incorporate further play areas is unjustified given that there is a well-established play area within the village, to the west of the site.
- **Residential amenity of existing residents** - The proposed development would result in some units being at a much higher level and “towering over” the existing units in Barleyfield. In addition, the windows to the rear of Unit 22 would directly face into No. 19. There would therefore be overlooking and loss of privacy, light and outlook to existing Units 17 and 19 from Units 13 and 22 respectively. Although the developer revised the design in an effort to address this matter, it would be preferable if the ground level were lowered to match that of No. 19. Ideally No. 22 should be replaced with a single-storey dwelling such as Type C. there is also concern regarding the planting strip between 17/19 and 13/22, as it represents “no-man’s land” and raises serious issues regarding maintenance of same.
- **Traffic hazard** - The proposal would result in a traffic hazard. The road sightlines at the existing entrance are inadequate. An 80m sightline in each direction was required by the Board (214812), but this has never been

achieved. The additional traffic that would be generated by the volume of housing proposed would result in an increase in traffic on the road network including the road serving the school and the internal roads of the estate, which would be to the detriment of road safety, particularly for the children of the estate. The combination of the increase in traffic with the traffic related to the school would give rise to a serious traffic hazard. Footpaths should also be a minimum of 1.8m and an autotrack analysis should be provided to demonstrate adequate turning areas.

- **Construction impacts** – the construction of the proposed development will give rise to serious impacts on the residential amenity and safety of the existing residents of the estate. The upheaval and inconvenience from noise, pollution from construction activity, risk to health and safety, risk of contamination of water supply and drainage. The developer also seems to think that he can fence off and prevent access to the green area during construction. There should be no construction traffic allowed to use the Barleyfield estate road.
- **Non-compliance with parent/original permission** – It is submitted that neither Condition 5 nor Condition 9 of the permission for the overall lands (214812, P.A. 05/1025) have been complied with. Condition 5 required the planting of a 10m wide landscaped buffer along the western boundary of the northern site (05/1025). Condition 9 required the provision of adequate sight lines at the entrance, which has not been provided. The proposed scheme fails to address the non-compliance with these conditions.
- **Application is invalid** – The applicant has not provided adequate evidence of title to lands and infrastructural facilities. The site comprises different folio numbers and not all of them are referenced in the Landowner's Letter of Consent. Notices were not erected on site within the required timeframe. It is stated that site notices were erected on 27/09/19 but this did not happen until 11/10/19.

6.2. Applicant Response to Grounds of Appeal

The submission from McCutcheon Halley on behalf of the applicant (6/03/20) is mainly in the form of a rebuttal of the grounds of appeal. It was pointed out that each

of the appellants had raised concerns that the proposed development in not in compliance with or is inconsistent with the parent permission (214812, P.A. 05/1025). However, it was stated that as that permission had expired, the proposed development should be assessed independently. The submission can be summarised as follows:

- **Planning policy** - The site is within the Development Boundary and there is an objective to secure an increase in population in the village. The LAP allows for individual schemes in excess of the recommended scale (20 units) where the proposed layout reinforces the existing character of the village and the scheme is laid out, phased and delivered so as not to reflect a residential housing estate more suited to a larger settlement. The proposal, which would be delivered in two phases of 22 units, is in accordance with this objective and the overall cap has not been reached (as stated in the planning reports). The scheme accords with the objective to deliver sustainable residential communities, as it is in an appropriate and sustainable location close to the village, where it is an objective to increase the number of housing units by 50.
- **Residential amenities of area** – the scheme has been designed to protect the privacy of existing residents and to ensure that the amenities of the estate are enhanced with a much larger and better designed open space area. The privacy of existing dwellings has been protected by the redesign of the individual dwellings as well as enhanced landscape and screen planting. It is stated that the FI (11/12/19) addressed issues such as the potential for overlooking and overshadowing to the satisfaction of the P.A.
- **Water supply/wastewater** – As stated in DOSA Engineering Report the development lands are served by an existing surface water attenuation pond which was constructed to facilitate the previous development with a capacity of 1770 cubic metres. The P.A. engineer is satisfied that there is sufficient capacity to serve the development. It is acknowledged that there are water supply constraints at present in Whitechurch, but pointed out that the applicant has been in extensive pre-application talks with IW to resolve these issues, the outcome of which was to identify a supplementary water supply. This would have adequate capacity to serve both the existing and proposed

development. The P.A. engineer has expressed satisfaction with the arrangements.

- **Traffic impact** – The application site is located within the 60kph where the required sightline is 65m in each direction. Drawing (0012) clearly demonstrates that these sightlines can be met at each of the entrances. An Autotrack Analysis was submitted as part of FI (11/12/19) which demonstrates that there is ample room for turning vehicles. Speed ramps were also omitted in favour of proposed speed tables. The P.A. was satisfied with the FI response.
- **Construction impacts** – this can be addressed by means of an appropriately worded condition requiring the submission of a Construction Environmental Management Plan to be agreed with the P.A., as is standard practice in most residential development applications.
- **Inadequate details** – several appellants claimed that the application was accompanied by inadequate details. It is submitted, however, that the application documentation, submitted initially on 27th September 2019 and in the FI submitted on 11th December 2019, included a very comprehensive range of documents which were prepared professionally to a very high standard. The P.A. was satisfied that the information provided was adequate to enable an assessment of the application.

6.3. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

6.4. **Third party responses to other third-party appeals**

Further observations were submitted (13th March 2020) on the third party appeals by Barleyfield Residents Association (Agent John McCarthy Engineer). This submission relates principally to the availability and adequacy of the wastewater treatment services, water supply and surface water management. Much of the content of this submission reiterates points previously made and summarised above. However, the following additional points of relevance have been made:

- **Water supply issues** – the development is premature in the absence of certainty re capital funding (via the Capital Investment Programme), and given that it is reliant on a supplementary water supply - which might require a new water abstraction which could be subject to further permissions or approvals - and that it may even be contingent on the provision of new abstraction legislation, currently unapproved by the Oireachtas. Thus, the project is premature. The upgrading of the water supply, if it relies on a new abstraction source, would also have to be screened for Appropriate Assessment and for Environmental Impact Assessment, as all direct and indirect effects must be assessed. The AA Screening report submitted by the applicant has not been assessed by an ecologist and merely relies on distance to screen out the proposal.
- **Surface water management** – no attempt to investigate the feasibility of or to incorporate the control of surface water within the development has been made. No infiltration tests have been carried out and no info regarding the appropriateness of infiltration trenches, swales, or soakaways to replicate the greenfield ground absorption and groundwater recharge rate on the development area. The reliance on an attenuation pond which was permitted under a historic permission for the control and management of surface water from the development is completely inappropriate. This system would have predated the Flood Risk Management Guidelines and SUDs guidance, and the GDDs would have been in its infancy. It would have been designed for a low return period of 1:30 year rainfall event. Although the applicant did employ a powerful 3D model to calculate the allowable greenfield run-off rate and internal SW pipe sizing, but it was not used to assess the adequacy of the existing attenuation pond in terms of its performance and pipe capacity.
- **Flood risk** - No flood risk assessment has been carried out and the insufficient assessment of the attenuation design must be considered in the context of downstream flood risk. The application fails to clarify the catchment boundary and hydraulic pathway of discharge from the attenuation pond. It is likely that it contributes to the Bride North that flows through Blackpool, which has been the subject of fluvial flood events on numerous occasions in recent times. The failure to provide for a robust Flood Risk Assessment and analysis

of surface water management in the knowledge of downstream flood risks is inappropriate and renders the proposed development premature.

6.5. Observations

6.5.1. Observations were received from

1. Caroline Whitty Padgham, 24 Barleyfield
2. David Goggin, 18 Barleyfield
3. Anna & Finbarr Sexton, 17 Barleyfield

Each of these submissions concur with the contents of the third-party appeals.

6.5.2. The main points of these observations may be summarised as follows:

- The proposed development is inconsistent with the Cobh Municipal District LAP and the DoEHLG Guidelines in respect of the scale and density of development. The overall scheme would damage the existing character of the rural village as it is intensively laid out as a housing estate that would be better suited to a larger settlement.
- The development is contrary to the requirements of the original permitted development.
- The application is invalid and deficient in terms of the information provided.
- The owners of No. 24 object to the design and siting of the proposed unit No. 44 to the immediate north which would result in overlooking. This house would be on much higher ground with an FFL of 188.75 and would tower over the Observer's site with an FFL of 187.8.
- The design and layout of the POS with pathways and the change to the overall layout of the estate from a cul-de-sac to a through road will seriously diminish the residential amenities and safety of the estate.
- The P.A. has not given sufficient consideration to the existing infrastructural deficiencies in Whitechurch, in that a safe public water supply and a public wastewater treatment system which have adequate capacity to serve the population of the village has not yet been established.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Principle of Development
- Density and scale of development
- Layout and design of scheme
- Residential amenity
- Access and Traffic
- Adequacy of water and wastewater infrastructure
- Construction impacts
- Other matters – noncompliance with original permission, validity of application, adequacy of information provided
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. Whitechurch is a designated Village with a stated number of housing units (2015) as 207. The LAP notes that the village population has increased significantly through estate scale development, but that services in the village are limited. The services and facilities include one shop (supermarket attached to a petrol station), one public house, as well as a church, a school and community and sports facilities. I noted from my site inspection that the village has developed around a crossroads with a considerable number of small housing estates. Although the development has inevitably taken place in an incremental manner, I observed a strong cohesive quality to the settlement, as the village has matured over the recent decades. This is partly due to the relatively small scale and the high quality of the individual schemes which are generally located close to the village core or along the main roads radiating from the core, where most of the services are located. There is also good pedestrian connectivity within the village and I noted many people, including families and children, walking, and cycling around the village and passed the site during my site inspection. There is a regular bus service from Whitechurch to/from Cork City

(which includes other villages along the route) provided by Bus Eireann, (including a school bus from the city), and also one provided by TFI (rural link). Although the services are pretty limited and infrequent at present, with increased development on these routes, it is likely that the service will be enhanced in due course. It is noted that the LAP seeks to retain and improve local services and community facilities and to strengthen infrastructure provision and public transport connections.

- 7.1.2. The village is earmarked for additional housing development with an increase of 50 units envisaged. The P.A. has confirmed in the planning reports that the threshold for the village has not yet been reached. Although 44 units would use a sizeable portion of this scale, it is considered that the threshold is a guideline rather than a mandatory cap. There is a well-established nationwide shortage of housing units and the Housing Section of the L.A. has identified a demand for social housing units in Whitechurch. The LAP (Table 2.3) notes that the village broadly has adequate water services capacity. However, it is acknowledged that the capacity of both the water supply and wastewater infrastructure have been seen as constraints to development in the past, but the applicant is confident that these matters have now been addressed. This issue will be discussed in greater detail below.
- 7.1.3. It is considered that the location of the site within the development boundary and close to the village centre makes it a suitable location for a residential development. The site is located within 300m of the village core on the road leading to the village school and community facilities. As the western-most part of the original permission has been developed, the remainder of the site could be viewed as either an uncompleted housing estate or an infill site, as it is situated between two existing housing developments. Such sites are highlighted in the National Planning Framework as being suitable for increased densities. The proposal to integrate the development with the six existing houses and to continue this development to the north and east is considered appropriate and sustainable, as it provides for more efficient use and enhancement of existing services and facilities such as green spaces and roads. It is considered, therefore, that the proposed development is acceptable in principle.

7.2. Density and Scale of development

- 7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. However, it is noted that in the review of the Cork County Development Plan, it was recognised that where required densities in urban developments were too high, there was a tendency for a corresponding increased demand for one-off houses in the countryside. For this reason, the current CDP makes provision for lower densities of 15-20dw/ha in an effort to counteract this demand. It is considered that the location of the site in an area which would have a high demand for one-off housing, given its proximity to Cork City, the proposed density of 18.8dw/ha on this edge of village site is appropriate.
- 7.2.2. The scale of a single individual development in a 'Village' is recommended as up to 20 dwellings/ha. However, where it is considered that the development would reinforce the existing character of the village and the layout and phasing is appropriate, a more flexible approach can be taken. The existing density, character and grain of the village is relatively cohesive with small housing developments of a low-medium scale. Some estates, such as the Rosewood development on the corner of School Road to the east, have been developed at a slightly higher density with terraced housing. There is also a peppering of one-off housing developments at the extremities of the village which are at a very low density, with individual designs and set within mature landscaped sites.
- 7.2.3. The proposed development, which is of a more contemporary architectural style, but which is based on the Cork Rural Design Guide, is of a high-quality design with a good variety of house types, housing mix and use of materials. It also borrows elements of design from the existing partially developed estate at Barleyfield, which is a small development of detached houses which have been designed and completed to a very high standard. It is considered that the proposed design responds well to the character of the existing houses within the overall lands and of development in the village. The phasing of the development, which would result in two distinct phases of 50% of the 44 houses being constructed at a time, each of which would generally meet the scale envisaged for developments in villages. It is considered that the increase in density within the site, compared with the previously

permitted scheme, would not compromise the quality of the overall development as the proposed communal areas and open space provision is both generous and well designed. The scale and density of the development are, therefore, considered to be appropriate in this context.

7.3. Layout and design of scheme

- 7.3.1. The configuration, topography and orientation of the site, combined with the siting, design and layout of the existing houses at Barleyfield, with its existing entrance and associated internal roadway and the centrally located existing green space, have strongly influenced the layout and design of the development. The ground levels fall to the south and to the west, which has necessitated the re-design of some of the dwelling units to avoid the proposed dwellings having an overbearing presence and giving rise to issues such as overlooking and overshadowing. This involved the lowering of finished floor and ground levels so that there is no more than a metre difference between existing and proposed dwellings, the omission of specific windows on certain elevations and the strategic location of screen planting.
- 7.3.2. A main element of the landscaping plan for the site is to retain the existing green area to the north of Unit 19 and to expand this area into a centrally located open space area which is overlooked by the majority of houses within the proposed development. The new expanded green space would be enhanced with tree planting, pathways, play areas, kickabout areas, play mounds and a boules area and would be integrated into a series of 'Home Zones'. Concern has been expressed by several appellants regarding the creation of pathways through the existing open space, the siting of a boules area in this location and the provision of play spaces combined with the through route, which is was feared would encourage outsiders into the estate and the congregation of people on the POS in close proximity to the existing houses. It is considered, however, that these facilities and amenities would provide for permeability and connectivity through the estate. This would enhance the residential amenity of both the existing and future occupants of the estate and of the village and would help to foster a community spirit in accordance with national and local policy objectives for the creation of sustainable and walkable neighbourhoods.
- 7.3.3. On balance, it is considered that the proposed development would not detract from the character of the village, would not adversely affect the residential amenities of

the surrounding area, is responsive to the conditions on site and is respectful of the existing built fabric and heights with an appropriate density whilst providing for adequate amenity for prospective occupants. It is considered that the landscape and open space strategy would provide for the integration of the development into the character of the village in this edge of village location as well as the successful integration with the existing development at Barleyfield. The layout would also facilitate good levels of connectivity through the estate and with the village and for excellent levels of passive surveillance over the communal areas, in accordance with good urban design practice for the creation of sustainable communities.

7.4. Residential amenity

- 7.4.1. The gardens generally meet or exceed the minimum standards and the upper floor windows meet the 22m separation distances. In general, where the 22m distance is not achieved, the houses have been designed so that habitable rooms do not face each other. However, I note that there is a proposed FF bedroom window on the southern elevation of House No. 44 (Type A) which would face a side gable window in existing Unit 24. As there are three proposed windows to this room (facing West, South and East, respectively), it is considered that the south facing window should either be omitted or fitted with obscure glazing. The appellant (Unit 24) was concerned that the difference in levels between the sites would be overwhelming. However, it is considered that a difference of less than one metre would not unduly affect the amenity of the existing dwelling due to the distance between the structures (c.8m to the bedroom and c.12m to the main building of No. 44).
- 7.4.2. The revised elevations of Nos. 13 and 22, together with the lower FFLs and enhanced screen planting, will ensure that there is no significant loss of amenity to the adjoining dwellings (Nos. 17 and 19) in terms of overlooking, loss of light or loss of outlook. The proposed revisions to House Type 5A, (proposed Units 6 and 7), whereby the rear facing FF bedroom bay window is to be fitted with obscure glazing, but with clear side panels, is considered to be an inappropriate solution for a small bedroom with the only window having no outlook. It is considered that the proposed bay window should be omitted and replaced with a high-level window. It is considered, based on the overall layout combined with the proposed landscaping scheme, and subject to the suggestions outlined above, that issues of overlooking and/or loss of privacy are unlikely to be of material concern.

7.5. **Traffic, access and road safety**

- 7.5.1. Access is proposed via School Road which is a straight road with good alignment and visibility. There is a continuous footpath on the southern side of the road and intermittent footpaths along the northern side of the road at present. The proposed provision of a footpath outside the site would also help to facilitate good pedestrian connectivity with the village. It should be noted that the site is within the village speed limit, with the 60kph sign being immediately adjoining the proposed entrance. In response to further information requested by the P.A., the developer intends to provide sightlines at the entrance (65m in each direction) and to provide road markings and signage in accordance with NRA guidelines. The P.A. Engineer has confirmed that these sightlines are appropriate to the existing speed limits.
- 7.5.2. Some of the appellants have raised concerns regarding the provision of a loop road through the estate, which it is thought will increase traffic movements. Further concerns were raised regarding the increased traffic generation by the development, which is likely to conflict with school drop off and pick up times and the ability of trucks, emergency services etc. to turn within the development. However, it is noted that the applicant, in response to the FI request, had provided traffic calming measures within the internal road network of the proposed development and an Autotrack analysis, which demonstrated that these matters have been adequately addressed. The provision of speed tables will reduce the speed of vehicles travelling through the estate, as will the overall road layout design. The public road from which the site is accessed is of a good standard and provided that the sightlines are made available at the entrances and maintained free of obstruction, as required by the P.A., it is considered that the additional vehicular movements that would be generated by the proposed development could be accommodated without adversely affecting the local road network in terms of its capacity or vehicular and pedestrian safety.

7.6. **Adequacy of water and wastewater infrastructure**

- 7.6.1. **Background** - The appellants have indicated that there is no public water or wastewater system in Whitechurch and that the systems that are available are deficient, with no guarantee that the services will be available to serve the development. It is submitted, therefore, that the proposal is premature.

- 7.6.2. I note from the Board's file (PL04.214812) that the planning authority had expended a considerable amount of effort and time during the assessment of the parent application with a view to ensuring that there would be a single water supply and a single wastewater treatment plant to serve the population of the village. It would appear that there had been several proposals at the time from different developers proposing individual site-specific solutions, which was considered to be unsatisfactory. The proposed development for 131 dwelling units, (214812) was revised several times (following FI requests). However, the final proposal included the provision of a wastewater treatment plant to the southwest of the village, with a population equivalent of 2,500PE, (which would service the entire village including zoned lands), and an agreement to provide a water supply comprising 900m³ per day with a further 900m³ storage to serve the village.
- 7.6.3. The Board in its decision, (214812) included several conditions relating to the provision of this infrastructure. Condition 2 required the submission of full design details of the proposed water supply including the location of production wells and standby wells, and necessary treatment facilities and the location of water storage facilities guaranteeing a water supply to the overall village. Condition 4 required that the proposed WWTP would be made available as necessary to serve the future development of zoned lands in Whitechurch, providing one treatment unit to serve its future growth. Condition 13 prohibited the occupation of any dwelling until the watermain, foul sewer and storm sewer were installed and functioning to the satisfaction of the P.A. The WWTP was constructed in 2007 as part of the implementation of 214812 (details provided in FI for current application on 11/12/19) and is operational. A water reservoir was constructed on lands to the north of the appeal site and permission was subsequently granted to relocate the 900m³ water storage tank in 2006 and 2007.
- 7.6.4. **Water supply** – Irish Water has confirmed that the developer had engaged with them in respect of a Pre-Connection Enquiry. A '*Confirmation of Feasibility*' has since been issued in which it has been confirmed that the proposed connection to the IW network can be facilitated subject to a valid connection agreement being put in place. However, the COF acknowledged that there are water supply capacity constraints in Whitechurch. Notwithstanding this, it is further stated that a

“supplementary water source has been identified and is currently being tested to scope the treatment requirements. It is expected that this will provide the required drinking water capacity to facilitate this connection in the near future”

- 7.6.5. The applicant has advised that it has engaged in extensive pre-application talks with Irish Water to resolve the outstanding water supply issues and that the outcome of these talks was the identification of this supplementary supply. The DOSA report (submitted with the application 27/09/19) stated that this supplementary source has the capacity to serve the development, but that ‘on-site’ treatment works are required which will be agreed at connection application stage. The IW letter also states that IW infrastructure capacity requirements and proposed connections to the water network will be subject to the constraints of the IW Capital Investment Programme.
- 7.6.6. The appellants believe that the proposed development is premature as there is no guarantee of funding being provided via the CIP and as the proposal may be contingent on a further consent process, should there be a need for a new water abstraction source. However, there is no information or evidence before the Board to indicate that this would be the case. IW has issued a Confirmation of Feasibility statement in which confidence is expressed that the required drinking water capacity to facilitate the connection will be available in the near future. Prior to any such connection, IW will require the developer to sign a connection agreement prior to commencement of development and will require the developer to adhere to the standards and conditions set out in that agreement. The applicant has confirmed that the layout of the watermain network and the works required to implement the scheme will be in accordance with the IW Code of Practice. I am satisfied, therefore, that sufficient safeguards are in place to ensure that there would be an adequate water supply to serve the development.
- 7.6.7. **Wastewater Treatment** – Irish Water has confirmed, in response to the pre-connection enquiry, that subject to a valid connection agreement being put in place, the proposed connection to the IW wastewater network could be facilitated. However, it was advised that sections of the wastewater network and the WWTP in Whitechurch are in private ownership. The developer was, therefore, advised to obtain consent to connect to this infrastructure and to confirm that capacity is available in the infrastructure, and to provide this evidence to IW prior to any connection application. The developer has obtained the necessary consents and a

letter to this effect is attached as Appendix A to the DOSA Engineering report, (submitted with the planning application, 27/09/19). The P.A.'s FI request (19/11/19) had sought confirmation that adequate capacity exists in the WWTP to accommodate the additional loadings for the development. This confirmation is contained in the DOSA Report submitted on 11/12/19, the main points of which may be summarised as follows:

- The WWTP was designed and built for a population equivalent of 2,500PE.
- IW code of Practice specifies 2.7PE per dwelling =>44 units = 118.8PE
- Currently there are 169 dwelling units served by the WWTP with a further 72 units permitted at Castle Court, which = 241 dwelling units
- Assuming Castle Court goes ahead, the existing demand = 650.7PE
- Available capacity without the proposed development = 1,849.3PE

Therefore, the proposed development of 44 units would reduce the available capacity of the WWTP to 1,730.5PE. It is considered, therefore, that the developer has demonstrated that the requirements of IW can be met in order to apply for a connection agreement.

7.6.8. The appellants also raised concerns regarding the design and capacity of the proposed sewer pipes to serve the development. It is noted, however, from the DOSA reports submitted to the P.A., that sewage will be collected by internal gravity network and will discharge to the existing foul sewer at the Barleyfield entrance and that the design of the gravity sewer pipes will comply with IW Code of Practice Waste Water Infrastructure. Irish Water will require the submission of details of such compliance before agreeing to any connection, and this will have to be addressed prior to the commencement of development on the site. Thus, it is considered that sufficient safeguards are in place to ensure that the development can be adequately served by the wastewater network.

7.6.9. **Surface water management** – The appellants consider that insufficient information has been provided to demonstrate that surface water drainage from the site can be managed without giving rise to flooding either locally or further downstream towards Cork City, and consider that a flood risk management plan should be provided to ensure that there is no flooding in the River Bride or the River Lee. Criticism is made

of the reliance on the attenuation pond associated with the 214812 permission, as this was granted 15 years ago under a different regulatory regime. It is clear, however, that the application was accompanied by a comprehensive report, which was supplemented by a further comprehensive report, from DOSA Engineers, together with appropriate sets of drawings. The information contained within these reports appears to be consistent with the information provided as part of further information on 214812. The documentation on that file refers to an allowable discharge from the proposed attenuation pond of 61.8l/s, which will be provided via 225mm stormwater pipes @ 1/68 fall to the existing watercourse. It was pointed out that the proposed (narrower) stormwater sewers would act to control the discharge to a more manageable flow than had existed previously. I also note that the P.A. engineers had established that the assimilative capacity of the water course was sufficient to cater for the proposed stormwater system and associated attenuation pond. This system was designed for a development of 131 dwelling units, whereas the current proposal of 44 units, together with the Barleyfield units represents c.40% of that development.

7.6.10. The initial DOSA Report describes in detail the proposed surface water system, including the results and analysis of the modelling of the development using Microdrainage software. It is stated that the maximum permitted surface water outflow from the new development is to be restricted to that of the existing greenfield site by the usage of the existing attenuation pond as outlined on Drawings 5589-0022 and 5589-0023. The attenuation pond has a capacity of 1770 cubic metres and the applicant has a letter of consent to connect to and use the pond and associated pipework. The proposed flows are to be attenuated in the surface water system by adopting a flood storage detention tank, along with a restricted outlet, as the control device. The proposed stormwater management plan for the site will connect to the existing stormwater network in Barleyfield. The existing detention pond was designed for a 30-year storm event but was proposed to cater for the entire development lands. The maximum discharge from this attenuation tank (which was listed as 61.80l/s for the larger previous development) will be limited to the calculated permissible runoff (QBAR) for the catchment area, which was re-calculated for the current proposed development. No flooding was predicted to occur in the 1:100-year return period event. The P.A. Area Engineer did not raise any concerns regarding

the proposed stormwater system. It is considered that there is sufficient capacity in the current system to accommodate the proposed development.

7.7. Construction impacts

- 7.7.1. The third parties have raised concerns regarding the likely impacts during construction including potential pollution events, noise and disturbance, dust and dirt on the roads and footpaths, health and safety implications for children at play on the existing estate and the blocking off of the green area during construction. I would agree with these concerns and consider that the residential amenities of both the established residents and of those who would occupy the earlier completions could be adversely affected by the phasing of the development in the absence of an appropriate CEMP.
- 7.7.2. The applicant has agreed, however, to provide a detailed construction management plan, which will also address the detailed phasing of the development. The phasing plans submitted to date are merely indicative. Should the Board be minded to grant permission, it is considered that the submission of a construction management plan, including a traffic management plan and mitigation measures to control environmental emissions, for the approval of the planning authority, prior to the commencement of works on the site should be required as a condition of any planning permission. It is also noted that the P.A. had attached a condition prohibiting the use of the existing internal road at Barleyfield for construction vehicles. This is considered reasonable. It is further considered that it should be possible to cordon off part of the existing green space during the main part of the construction works to ensure that any disruption to the use of this area is kept to an absolute minimum, in the interests of residential amenity.

7.8. Other Issues

7.9. Non-compliance with parent permission

- 7.9.1. Concern has been raised regarding the failure of the applicant to comply with certain conditions of the parent permission, 214812. Condition No. 5, which required a 10m landscape buffer to the west of the Barleyfield development and along the western boundary of the site has not been provided and 80m sightlines have not been achieved at the entrance. It is not clear why the landscaping buffer has not been provided. It is noted that the Landscape Masterplan indicates that screening trees

will be planted along the western boundaries of the back gardens of Units 42-44 (inclusive). However, Units 18, 20, 22 and 24 are outside of the red line boundary for the current application/appeal. It is considered that this issue is for the P.A. to resolve in terms of compliance with the terms of the original permission.

7.9.2. The sight distances are 65m in each direction are appropriate for the design speed of the road from which access is gained to the development. The applicant has demonstrated that this distance can be achieved at this location. A condition requiring compliance with this restriction should be attached to any permission.

7.10. Invalidity of application – legal interest and site notices

7.10.1. The appellants have raised concerns that the developer may not have full title to all of the lands required to carry out the development. However, the onus is on the developer to ensure that he has the necessary consents and/or title to lands before development is commenced. Section 34(13) of the Planning and Development Act 2000, (as amended) states

A person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.10.2. The appellants have complained that the site notices were not in place before the application was submitted. However, the applicant claimed that the notices, which had been erected on the 27th September 2019, were taken down. In a letter to the P.A. dated 17th October 2019, it was claimed that the notices “had been maliciously removed”. The developer reassured the P.A. that as soon as it came to the notice of the applicant, new notices were re-erected. A newspaper notice was also submitted on 27th September 2019.

7.10.3. It is noted that a third-party appeal, and/or a third-party observation, has been received from each one of the existing residents in Barleyfield, together with a further third party appeal by Barleyfield Residents Association (representing each of the third parties). The majority of these residents had also made detailed submissions to the planning authority during the lifetime of the application. It is considered, therefore, that the residents of the local area do not appear to have been significantly disadvantaged by any loss of time associated with the absence of site notices. However, if the Board considers that further public notices are required, the applicant can be directed to publish new notices.

7.11. Adequacy of information provided

7.11.1. **Flood risk** - Some of the third parties raised the issue of flooding in respect of the surface water management scheme and referred to ponding within some of the gardens, which periodically occurs due to surface water run-off. The site is located outside of the areas identified as being susceptible to flooding and falls within Flood Zone C. A detailed surface water drainage scheme has been designed for the site which includes a large attenuation pond which has been constructed on lands to the south of the site (near the WWTP). It is proposed to attenuate to current green-field run-off, and to connect to the existing public storm drainage system.

7.11.2. The planning authority (Area Planner's Report) was satisfied that the site is located outside of any designated flood risk zone, as indicated in OPW's Draft National CFRAM and the Cobh Municipal District LAP 2017. It was concluded that a flood Risk Assessment was not required in this instance. I would agree with this conclusion and am satisfied that sufficient detail has been provided in the application documents to support the assertion that the proposed development would not be at risk or give rise to flooding.

7.12. Environmental Impact Assessment

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

7.13. Appropriate Assessment

7.13.1. The site is located approx. 10-12km away from three European sites.

Blackwater River SAC (site code 002170) is located c.10km to the northeast.

Cork Harbour SPA (Site code 004030) is located c.12km to the southeast and

Great Island Channel SAC (Site code 001058) is located approx. 12km to the southeast.

7.13.2. The application covering letter screened out Appropriate Assessment on the basis of the distances involved and the nature of the development. The Planning Authority

also screened out Appropriate Assessment on the basis of distance and the absence of any hydrological connection with the development site.

Blackwater River SAC (Site Code 002170) - The River Blackwater is one of the largest rivers in Ireland and drains a large part of Co. Cork. The site consists of freshwater stretches as far upstream as Ballydesmond and tidal stretches as far as Youghal. It has many tributaries including the Bride, Awbeg, Clyda, Glen, Dalua and Allow.

Qualifying interests include Floating River Vegetation, Old Oak Woodlands, Alluvial Forests, Freshwater Pearl Mussel, White Clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Atlantic Salmon, Otter and Killarney Fern. Other QIs include Estuaries and other coastal habitats.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Cork Harbour SPA (Site Code 004030) – The site is largely estuarine in nature and consists of a large sheltered bay with several river estuaries including those of the River Lee, Douglas, Owenaboy and Owenacurra. It is a site of major ornithological importance and is an internationally important wetland site, regularly supporting over 20,000 wintering waterfowl.

Qualifying interests include – Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail Shoveler, Red-breasted Merganser, Oystercatcher, Grey Plover, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Black-headed Gull and Common Gull. Mute Swan, Whooper Swan and Little Egret also use the site.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Great Island Channel SAC (Site Code 001058) – The site stretches from Little Island to Midleton and its southern boundary is formed by Great Island. It is an integral part of Cork Harbour and is extremely important for wintering waterfowl.

Qualifying interests include – Mudflats and sandflats not covered by seawater at low tide and Atlantic Salt Meadows.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

7.13.3. **Assessment of Likely Effects**

As the site is not within a designated site no direct impacts will arise.

The site is located within the development boundary for Whitechurch on lands which are not zoned area but are serviced. The proposed development will be connected to the public mains for storm water, foul water and water supply. There is no hydrological link or any other source-pathway receptors between the site and the three European sites, which are located c.10-12 km to the southeast and 10km to the north-east, respectively. As a consequence, there is no potential for indirect effects from emissions during the construction phase. I would concur with the conclusions of the Screening report submitted that no indirect impacts are envisaged.

In terms of the operational phase, the development would connect to existing services in Whitechurch. The applicant has demonstrated that there is adequate capacity in the wastewater and stormwater systems, which were constructed as part of Phase 1 of the original permission for the overall lands. Irish Water has indicated that connection to the foul water system will be permissible provided that confirmation of consent to connect to the wastewater network (those sections that are in private ownership) is provided and that there is adequate capacity available. These matters have been addressed, as discussed previously, and are considered to be satisfactory. The storm sewer is by gravity to an attenuation tank which will discharge via flow control to the storm sewer. The attenuation tank has adequate capacity and was constructed to cater for a much larger development. The proposed surface water system is designed to attenuate to green field runoff. It has been modelled and analysed with assessments carried out for a 1 in 2-year storm and a 1 in a 100-year storm.

A water reservoir was also constructed as part of Phase 1. Although there is currently a constraint relating to water supply for the development, Irish Water has

identified a supplementary source which, it has stated, will be available to serve the development. The appellants have suggested that this may require a further consent process, particularly if a new water abstraction source is required, which, if submitted, could have implications for environmental impact and appropriate assessment. However, as stated previously, there is no evidence that this is likely to be the case and neither Irish Water nor the planning authority engineers have raised any such concerns or issues.

In conclusion, the proposed development will be connected to the public system by Irish Water, and it will be necessary to sign an agreement with Irish Water to this effect prior to commencement of development. Given the nature and scale of the proposed development, the availability of public infrastructural services within the village, and the remote distance from the European sites, there is no potential for indirect effects during the operational phase.

7.13.4. Screening Statement and Conclusions

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Blackwater River SAC (002170), Great Island Channel SAC (site code 001058) and Cork Harbour SPA (004030), in view of the Conservation Objectives for these sites. It is considered, therefore, that a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary for Whitechurch and to the specific objective as set out in the Cobh Municipal District

Local Area Plan 2017 to encourage the development of up to 50 additional dwelling units within the development boundary during the plan period, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact on the rural character of the village and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 2nd day of October 2019 and 11th day of December 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 details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows: -
 - (a) The first-floor rear facing bay window in Units 6 and 7 (House Type 5A) shall be omitted and shall be replaced by a high-level window
 - (b) The south-facing first-floor bedroom window of Unit 44 (House Type A) shall be omitted.

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

Reason: In the interest of the residential amenity.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of occupants of the proposed dwellings.

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

5. Prior to the commencement of development, the developer shall enter into a diversion agreement with Irish Water with respect to the watermain traversing the site. This main shall be diverted, at the developer's own expense, so that it remains within the public domain.

Reason: In the interests of orderly development.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

9. Sight distances of 65 metres to the west and to the east of each of the entrances to the development shall be provided from the centre point of each entrance, 3 metres back from the road edge. Sightlines and the road markings shall be carried out in accordance with detailed standards of the planning authority for such works prior to the occupation of any dwelling. No vegetation or structure shall exceed 1 metre in height within the sight distance triangle.

Reason: In the interest of road and public safety and visual amenity.

10. A minimum of two parking spaces shall be provided and maintained within the curtilage of each dwelling unit.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

12. 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 interest of visual and residential amenity.

13. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on the 27th September 2019 and on the 11th December 2019.
- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity and public safety.

14. Proposals for an estate/street name, housing 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).

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

15. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 27th day of September 2019, as amended by the layout plan submitted on 11th day of December 2019. 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.

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

16. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works in Housing Areas issued by the Department of Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the Planning Authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

17. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

18. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

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

20. The construction of the development shall be managed in accordance with a Construction and Environmental 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

- Measures to fence off the existing public open space area serving Barleyfield from the construction works.
- Details of routing of construction traffic which shall exclude the use of the estate road serving Barleyfield during the construction works.
- Location of site/materials compounds including areas for the storage of construction refuse.
- Location of areas for construction site offices/staff facilities.
- Details of site security fencing and hoardings
- Details of on-site car parking facilities for site workers during the course of construction.
- Measures to obviate the need for queuing of construction traffic on the local road network.
- Details of appropriate mitigation measures for noise, dust and vibration and for monitoring of such levels.
- Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spills are fully contained. Such bunds shall be roofed and exclude rainwater.
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- Means to ensure that surface water is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

21. 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.

22. 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.

Mary Kennelly
Senior Planning Inspector

10th August, 2020