



An
Bord
Pleanála

Inspector's Report ABP-306925-20

Development	Demolition of dwelling and construction of 38 residential units
Location	Kilmoney, Church Hill, Carrigaline, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/6065
Applicant(s)	Athena Private Assets Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ciara Caffrey & Barry O'Keefe Denis McCarthy
Observer(s)	Robin & Jean Gill Orchard Rise Residents
Date of Site Inspection	17 th June, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 0.927 hectare site is located on the west side of Church Hill to the south of the town centre of Carrigaline in County Cork. It comprises a two-storey derelict house fronting onto the street and a plot of land to the rear. It is understood that the plot was previously in use as a pitch and putt course. The site slopes from south to north. It is bounded to the north by the rear gardens of a number of houses in Maurland housing estate that are on lower ground, to the east by rear gardens of three detached houses fronting onto Church Hill, to the south by a large open space associated with the residential estate of Orchard Rise, and to the west by the rear gardens of houses within the Liosbourne residential estate. The boundaries around the periphery of the site comprise mainly sod bank, trees and hedgerow.

2.0 Proposed Development

2.1. The proposed development would comprise the demolition of the derelict dwelling and the construction of 38 residential units. The residential units would consist of 10 no. one bedroom apartments, 2 no. two bedroom apartments, and 26 no. three bedroom duplex, terraced and semi-detached houses. The proposed development would be accessed from Church Hill to the east of the site.

2.2. Details submitted with the application included a planning statement, a design statement, a Part V proposal, an infrastructure report, and a letter from the landowner permitting the making of the planning application.

3.0 Planning Authority Decision

3.1. Decision

On 28th February 2020, Cork County Council decided to grant permission for the proposed development subject to 30 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, reports received, and third party submissions made. Reference was made to the policy context for the development, density/design/layout/housing mix/visual impact, residential amenities, open space provision, Part V provisions, ecology, and engineering issues. Concern was raised about the impact of proposed houses 35-38 on neighbouring dwellings to the north and the need for revisions as a result, the need to retain the established hedgerow along the southern boundary, the quality of open space to serve units 5-28 at the southern end of the scheme, and the need for boundary treatment revisions. The requests for further information set out in other reports were noted. A request for further information was recommended.

The Senior Executive Planner concurred with the considerations of the Area Planner.

3.2.2. Other Technical Reports

The Housing Officer was satisfied with the proposed units for social housing and had no objection to permission being granted.

The Public Lighting Engineer requested further details on lighting provisions for the scheme.

The Heritage Unit requested further information on a landscape plan and on bats.

The Traffic and Transportation Section sought a traffic and transport assessment, a road safety audit, and further details on the proposed entrance and permeability to surrounding housing estates.

The Estates Section requested further information on traffic calming, parking, open space, boundary treatment, and on creche facilities.

The Area Engineer referred to traffic congestion and requested that details be sought on mitigation, on boundary treatment, parking, bin storage, and on storm water gullies.

3.3. Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposed development subject to Irish Water signifying that there is sufficient capacity in the public sewerage system to accommodate the development.

Irish Water had no objection to the proposed development.

3.4. **Third Party Observations**

Third party submissions were made to the planning authority from Brendan and Michelle Kelly, Patricia and Tim Heinhold, Denis McCarthy, John Griffin, Ciara Caffrey and Barry O'Keefe, Pat Jones, Timothy Forde, Catherine Orr, Caroline Keohane, Aidan and Trish Wrenne, Niall Healy, Michael Twohig, Maurice and Pauline Hayes, George Hook, The Residents of Maurland, Michael Tobin, Robin and Jean Gill, Liam and Veronica Stuart, Orchard Rise Residents, and Cllr Seamus McGrath. The concerns raised included those relating to impact on residential amenity, scale, density, traffic impact, loss of hedgerow, water services provision, subsidence, flooding, and access to Orchard Rise.

- 3.5. A request for further information was issued on 14th October 2019 in accordance with the Planner's recommendation. A response to this request was received by the planning authority on 3rd February 2020. Details submitted included revised drawings, a revised Part V proposal, a reduced scheme to 37 units, a bat survey, an arboricultural impact assessment, a Stage 1 / 2 road safety audit, an outdoor lighting report, a landscape specification and maintenance document, and a traffic and transport assessment.

Further third party submissions were submitted by Pat Jones, Maurice and Pauline Hayes, Denis McCarthy, Ciara Caffrey and Barry O'Keefe, Patricia and Tim Heinhold, Caroline Keohane, Michael Twohig, Orchard Rise Residents, Robin and Jean Gill, and John Griffin. Notwithstanding the further information response, these reiterated the residents' concerns about impacts on neighbouring properties.

The reports to the planning authority were as follows:

The Public Lighting Engineer had no objection to the grant of permission subject to a schedule of conditions.

The Estates Section had no objection to the grant of permission subject to a schedule of conditions.

The Ecologist submitted that a Stage 2 appropriate assessment was not required and there was no objection to the grant of permission subject to a schedule of conditions.

The Area Engineer, referencing some concerns relating to proposed parking provision and traffic impact on the road network, concluded by stating there was no objection to permission being granted subject to the attachment of a schedule of conditions.

The Planner noted the responses to the further information request and considered them acceptable. A grant of permission, subject to a schedule of conditions, was recommended.

The Senior Executive Planner concurred with the Area Planner's considerations and recommended that permission is granted.

4.0 **Planning History**

P.A. 06/6639

Permission was granted by the planning authority for the demolition of a house and the construction of 22 residential units.

P.A. 07/11731

Permission was granted by the planning authority for the replacement of four semi-detached houses permitted under P.A. 06/6639 with 6 apartments.

5.0 **Policy Context**

5.1. **Ballincollig Carrigaline District Local Area Plan**

Zoning

The site is zoned 'Existing Built up Area'.

General Objectives for Carrigaline

These include:

CL-GO-01

Population and Employment

Secure the development of 2,380 new dwellings in Carrigaline between 2017 and 2023 in order to facilitate the sustainable growth of the town's population from 14,775 to 17,870 people over same period.

5.2. Cork County Development Plan

Housing

High Density Development

3.4.16 Higher density development is generally considered to involve the construction of duplex dwellings or apartments.

3.4.17 In practice, apartment or duplex development is usually necessary to achieve net densities in excess of 35 dwellings/ha which means that apartment or duplex development is often being sought or required on land zoned for medium density development.

Objectives include:

HOU 4-1: Housing Density on Zoned Land

Medium 'A': $\frac{\text{Min Net Density}}{20} \quad \frac{\text{Max Net Density}}{50}$

Comment

- Applicable in city suburbs, larger towns over 5,000 population and rail corridor locations (example Carrigtwohill).
- Apartment development is permissible where appropriate but there is no requirement to include an apartment element in development proposals.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/serviced sites unless otherwise specified in relevant Local Area Plan.

Zoning

Objective ZU 3-1 describes the zoning objective for 'Existing Built Up Areas as follows:

ZU 3-1: Existing Built Up Areas

Normally encourage through the Local Area Plans development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

Appendix D – Parking Standards

Table 1a: Car Parking Requirements for New Development (Maximum per sq.m)

Residential

Dwelling House	2 spaces per dwelling
Apartment	1.25 spaces per apartment

NOTES ...

2. The parking requirement for residential development is a minimum standard and can be exceeded at the discretion of the developer, based on house type, design and layout of the estate ...
4. A reduction in the car parking requirement may be acceptable where the planning authority are satisfied that good public transport links are already available and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

5.3. Appropriate Assessment

The site of the proposed development comprises serviceable lands immediately to the south of the town centre of Carrigaline at a location where there is extensive established residential development. 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 or in combination with other plans or projects would not be likely to have a significant effect on any

designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeals

6.1. Grounds of Appeal from Ciara Caffrey and Barry O'Keefe

The appellants reside immediately to the east of proposed residential unit nos. 1-4. The grounds of the appeal may be summarised as follows:

- There is a serious subsidence risk associated with the demolition of the derelict building and the clearance of all banking to the appellants' site boundary in order to accommodate the site entrance. A replacement wall boundary would need to be built for safety and privacy.
- The proposed units 1-4 would overlook the appellants' main living area, resulting in a loss of privacy. A bungalow or dormer-style design would be more appropriate.
- There would be a loss of light and overshadowing of the main living areas due to the volume, position and type of dwelling proposed for units 1-4.
- The proposal would result in the potential destruction of a feature of local character and history, namely the old church boundary wall.
- There is concern in relation to the conservation of mature trees and hedges surrounding the site, which are pivotal to the character of this location.
- The proposed fencing and boundary wall plan are not of a satisfactory standard. The appellants request a 2.4m high capped wall along their boundary on all sides.
- There are concerns about the density of the proposed development, having regard to the additional traffic congestion that would result, infrastructure not

being adequate for the additional volume of traffic, and the high pedestrian volumes that would be crossing the new entrance.

- Potential future adaptability of the proposed housing units could further impact on the appellants' privacy where there is no control over adaptations or extensions below the threshold whereby planning approval is not required. A condition to prevent this is requested.

6.2. **Grounds of Appeal from Denis McCarthy**

The appellant resides at No. 8 Maurland Estate to the north of proposed unit no. 36. The grounds of the appeal may be synthesised as follows:

- Parking for the proposed development materially contravenes the County Development Plan as it does not meet requirements.
- There is no basis to be satisfied that the traffic impact would be acceptable. Reference is made to the Council's misunderstanding of the TII's Traffic and Transport Assessment Guidelines, to the unreliability of the applicant's Traffic and Transport Assessment, and to the delayed delivery of the Carrigaline Western Relief Road.
- The proposed development is not acceptable having regard to the approach to address the protection of bats.
- The Council's appropriate assessment screening was wholly inadequate. Reference is made to the lack of any bird survey, to the failure to consider the proposal with other plans/projects, and to the failure to examine other European sites.
- Proposed units 34-37 will cause a very significant impact on residential amenity for the appellant's home and for other dwellings in Maurland Estate, sited in an elevated position to the south, overshadowing, and obstructing access to sunlight.

The appeal includes signatures from other residents of Maurland Estate.

6.3. Applicant Response

The applicant's response may be summarised as follows:

- Due to the proximity of the site to the town centre there is no need for the scheme to have more car parking spaces. The proposed parking provision is seen to be wholly appropriate.
- Regarding traffic impact, reference is made to agreed traffic calming measures and the submitted Traffic and Transport Assessment and Safety Audit findings.
- Regarding the issue relating to bats, the survey, findings and mitigation measures are referenced.
- The proposal was screened for potential significant adverse impacts on Natura 2000 sites. It will not have any impact. No further assessment is required.
- With regard to residential amenity, in response to the further information request the design of Units 34-37 was revised, the finished floor levels of the houses were reduced, and the ridge height of houses was lowered. There is a 23.3m separation distance between houses and units at Maurland and a 2m high wall along the extent of the northern boundary.

6.4. Planning Authority Response

I have no record of a response to the appeals from the planning authority.

6.5. Observations

The Observers Robin and Jean Gill reside on Church Hill and raise concerns relating to scale and density of the development, impact on public services, overlooking, tree/hedgerow/wildlife impact, boundary proposals, and impact for pedestrians and traffic on Church Hill.

Orchard Rise Residents raise concerns relating to the height and density of the proposed units, the retention of the existing mature boundary between the proposed development and Orchard Rise, and necessary infrastructure improvement works

that are required to facilitate the proposed development. Reference is made to traffic congestion, pedestrian safety and water services, as well as to the prohibition of any access through Orchard Rise.

7.0 **Assessment**

7.1. Introduction

7.1.1 I consider that the principal planning issues for assessment are the development in the context of development plan provisions, impact on residential amenity, the traffic impact, landscaping and boundary treatment, infrastructure deficiencies, and impact on wildlife and habitats.

7.2. The Proposal in the Context of Development Plan Provisions

7.2.1 The site of the proposed development comprises lands zoned 'Existing Built Up Area' in the Ballincollig Carrigaline Municipal District Local Area Plan. There is an existing dwelling on the site and it is bounded by residential developments. The zoning objective for 'Existing Built Up Areas' is set out in the Cork County Development Plan and, within this zone, development that supports in general the primary land use of the surrounding existing built up area is encouraged. It is evident that the development of residential units on this site would be in keeping with the zoning objective for the lands.

7.2.2 The principal population objective of the Local Area Plan, which was adopted in 2017, is Objective CL-GO-01 which seeks to secure the development of 2,380 new dwellings in Carrigaline between 2017 and 2023 in order to facilitate the sustainable growth of the town's population from 14,775 to 17,870 people over the same period. It is apparent that the development of the site for residential uses would support the attainment of the objective which seeks to achieve a substantial increase in the population of Carrigaline over the current Plan period.

7.2.3 Having regard to Cork County Development Plan, it is clear that higher density development is promoted in the county's larger towns, one of which is Carrigaline. The Plan notes that such development would generally involve the inclusion of

duplex units and apartments to achieve net densities in excess of 35 dwellings per hectare and that such development is often sought on lands zoned for medium density development. 'Medium A' housing density is promoted on zoned lands in the larger towns of the county over 5,000 population. This allows for a minimum net density of 20 units and a maximum density of 50 units. The site of the proposed development is on zoned lands, effectively surrounded by residential development, lying immediately south of the town centre of Carrigaline, and is fully serviceable. The development of 37 residential units on a site less than one hectare is in keeping with the Medium A density provisions. While it could be construed that further increases in density are attainable on such a site, regard must duly be had to the context of the site, i.e. its sloping nature, the proximity of neighbouring residential properties, and the requirement to provide necessary amenity space and parking to serve occupants of the development. It is my submission that the density of development is adequate for this site in this context. It is apparent from the County Development Plan that the mix of residential units proposed, including apartment development, is permissible at such a location. It is further noted that the scheme permitted by the planning authority was considered by the authority to be in keeping with the Plan's requirements relating to the provision of public and private amenity spaces. It is my submission that the proposed public amenity space provision is more than adequate in this location close to the town centre.

7.2.4 Regarding the provision of parking on site, I note that the County Development Plan requires 2 spaces per dwelling and 1.25 spaces per apartment. I acknowledge that the Development Plan notes on parking refers to the parking requirement for residential development as being a minimum standard and a reduction in the car parking requirement may be acceptable where the planning authority are satisfied that good public transport links are already available and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development. I acknowledge once again the location of the site for the proposed development and its proximity to the town centre of Carrigaline. I further note that the applicant proposes to provide two car parking spaces per house and one space per apartment. Further to this, it is intended to provide six car parking spaces for visitors. The proposed provision of parking on this site is sufficient to meet the needs of this residential scheme close to

this town centre. Finally, I note that the car parking provisions of the Development Plan constitute development plan standards and not objectives. The provision of parking could not be seen to materially contravene any objective of the Development Plan in relation to parking.

7.2.5 Overall, it is reasonable to determine that the proposed development meets with the zoning objective for the site, is at a reasonable density, provides an adequate level of services and space provisions to meet occupier needs, and it is compatible with the objective to substantially increase the population of Carrigaline over the Local Area Plan period.

7.3. Impact on Residential Amenity

7.3.1 The site of the proposed development is bounded to the north, south and west by residential estate development and to the east by detached housing. This site has previously been the subject of planning applications for residential development for which permission was granted. The scheme would be developed on zoned, serviceable land. Having regard to this understanding, as a neighbouring resident one could reasonably anticipate that the development of this site for residential uses would be likely.

7.3.2 The development, in seeking to provide for a reasonable standard of public amenity space, a suitable internal service road, and provision of parking, results in the placing of the residential units around the site's periphery. The inevitable outcome is that the residential units are placed nearer to the boundaries with adjoining established residential properties. While concerns have been raised about the overall scheme, particular third party and observer concerns have been raised in relation to proposed units 1-4 along the east side of the scheme and units 34-37 along the north side.

7.3.3 I note that units 5-28, comprising 3 no. three-storey duplex blocks, would adjoin a public open space associated with the Orchard Rise estate to the south. I do not foresee any particular concerns relating to impact on residential amenity, such as loss of privacy, overshadowing, etc., for the residents of Orchard Rise resulting from the development of these units due to the significant separation distances and the location of the scheme to the north of this estate. Similarly, I do not anticipate the

proposed duplex units would be in any manner overbearing or visually incongruous for the residents of Orchard Rise given the separation distance and the proposal to retain the hedgerow along the south side of the site which forms the boundary with the established estate's open space. The eastern gable of Block 1 would be sited in excess of 6 metres from the boundaries with residential properties to the east, with a proposed finished floor level below that of the nearest established house to the east, which itself would be in excess of 27 metres from the appeal site boundary adjoining proposed Block 1. I note also that it is proposed that there would solely be a single ensuite window on the east elevation of Block 1 at first and second floor levels. It is my submission, having regard to the layout, design and separation distances, that the proposed development of Block 1 would not have any significant adverse impacts on the amenities of established residents to the east.

7.3.4 I note the location and layout of units 29-33 along the west side of the site. I acknowledge the terraced design and two-storey height of these units, the proposed boundary treatment and the substantial rear gardens of these units, together with the separation distances between proposed residential units and established houses to the west. These proposed units would not have any significant adverse impacts on the amenities of established residents residing to the west of the site.

7.3.5 Looking then to the impact of proposed units 1-4, it is noted that they comprise conventional three bedroom, semi-detached houses that would be located to the west of the property of appellants Ciara Caffrey and Barry O'Keefe. The access to the proposed scheme would also be developed to the north of unit no. 1 and would adjoin the northern boundary of the appellants' property. I again acknowledge that planning permission has previously been granted for a residential scheme on these lands under P.A. Ref. 06/6639. The proposed access into the lands is permissible by the demolition of the existing derelict house on the road frontage of this site. With the application of appropriate construction methodologies, there is no reason to determine that the structural integrity of the boundaries of the site at this location would be undermined, including established stone walls around the periphery of the appellants' property. A construction management plan, required by a condition of planning permission, could reasonably include measures to address the stability of peripheral boundary walls, including proposed protection measures and construction oversight. Regarding the proposed houses, I note that there would be a separation

distance of over 23 metres between the nearest unit (Unit 2) and the appellants' house. I note the submitted sections with the applicant's further information submission (in particular Section F-F) and the similar height and scale of the proposed units to neighbouring property. Rear garden depths of between 10 and 13 metres would be provided for each of the proposed houses. The rear boundaries of the plots for each of these houses would comprise a 2 metre high concrete capped wall. It is apparent that the proposed development would not result in any significant impact on the residential amenities of properties to the east. Further to this, one must acknowledge that the site is located in the built-up area of the town of Carrigaline close to its town centre. The changes arising from the development of housing in this location invariably will introduce some degree of overlooking of neighbouring properties from upper windows of new development. This is not uncharacteristic of development within residential areas and in this instance it will have very limited effects on the privacy of neighbouring property.

7.3.6 Turning to units 34-37, I note that the land slopes down from the proposed location of these units northwards in the direction of the established housing in Maurland. Sections A-A and B-B submitted with the applicant's further information submission detail the extent of cut, finished floor levels, ground levels, and the relationship of houses within and beyond the site to Maurland. There would be a significant separation distance of over 23 metres between proposed unit 36 and the dwelling of the appellant Denis McCarthy, No. 8 Maurland. This reduces to approximately 19 metres between unit 34 and No. 11 Maurland. I acknowledge the proposed design changes introduced by way of the applicant's further information submission. This eliminated all first floor windows on the rear elevation of units 34-37. It is further noted that the proposed development includes the provision of a 2 metre high concrete block wall along the rear site boundary of units 34-37. There is no issue of overlooking and loss of privacy arising as a consequence of the design, layout and boundary treatment of the proposed development. There would be significant separation distances between dwellings in Maurland and the proposed units and there would be no reason to determine that the proposed houses would result in any significant overshadowing of properties to the north of the site, notwithstanding the dwellings being located directly to the south, nor would there be concerns about any potential overbearing impact.

- 7.3.7 Further to the above, I note appellants' concerns relating to the potential future development of the residential units, including extensions to units. In my opinion, these are legitimate concerns and it would be reasonable to prohibit further extensions to the residential units without the prior grant of planning permission, inclusive of development that would otherwise be permissible under exempted development provisions.
- 7.3.8 Finally, I note that the submission from Orchard Rise residents reference concern about the prohibition of any access through Orchard Rise from the proposed development. It is very clear from the proposed layout of the scheme that there is no provision for, or intent to provide, access from the site to Orchard Rise.

7.4. Traffic Impact

- 7.4.1 I first note that the proposed development would comprise an infill residential scheme a short distance south of the town centre of Carrigaline, a scheme that is relatively small in scale in comparison to the scale of many of the residential schemes in the immediate environs of the site. The proposed development would comprise 37 residential units. The consideration of the potential traffic impact of the proposed development must be understood in this context.
- 7.4.2 I acknowledge that approaches to the town centre of Carrigaline can be congested frequently and consistently during peak periods. The Local Area Plan, in promoting the substantial expansion of the town, also has a wide range of specific development objectives that includes a number of road schemes such as the provision of an inner western relief road, an outer western relief road, and a southern inner relief road. I am aware that the final section of the southern inner relief road is nearing completion. I am also aware that large scale residential development continues to proceed in this town at locations such as Castle Heights to the south and there is a major residential expansion area to the north of the town at Shannonpark. These developments continue to proceed while the planning and delivery of road schemes to alleviate congestion in the town proceed in parallel. The proposed small-scale residential scheme must again be understood in this context.
- 7.4.3 Having regard to the above, it is my submission that the generation of vehicular traffic by 37 residential units close to the town centre could not in itself be seen to

constitute any substantial adverse traffic impact on the road network at this location. It is understandable that it would contribute in some part to further congestion as the town continues to develop and in isolation of the completion of planned road schemes. However, it is understood that roads objectives are being pursued and are being met. Clearly, the development contribution that would arise from the development of the proposed scheme would partially be used for the delivery of road improvements in this area.

7.4.4 The proposed residential scheme would be seen to function adequately in providing sufficient parking to meet occupants needs and providing safe access and egress onto Church Hill. I note that the planning authority is satisfied about the likely impact of the access on all road users, including pedestrians on Church Hill. I do not foresee any particular difficulties arising for pedestrians in this built-up urban location or for any potential conflict between the proposed access and the entrance into Mount Rivers Close on the opposite side of the road. This location adjoins the town's centre. The vehicular traffic movement and the needs of differing road users on the approach to the town centre is understood by the road users, inclusive of pedestrians. I do not anticipate substantial conflict with vehicular movement at such a location.

7.4.5 Over and above the general observations made heretofore, I note that the applicant submitted a traffic and transport assessment and a road safety audit. The conclusions of the former readily indicated the relatively minor traffic impact arising from the traffic generation associated with the proposed development while the latter indicated how the functionality of the scheme would be enhanced. The increase in traffic generated at existing junctions that were examined are estimated to result in a maximum increase of just 2% of traffic volumes for the opening year. Minimal queuing is anticipated on all junctions. The traffic that would be generated by the proposed development could not be seen to culminate in any particular traffic hazard for other road users or any substantial increase in traffic that could result in significant congestion.

7.5. Landscaping and Boundary Treatment

7.5.1 There appears to be some confusion amongst third parties and observers relating to the proposed boundary treatment and on how the applicant proposes to deal with existing hedgerow bounding this site. The further information submitted to the planning authority includes a drawing comprising a 'Landscape Plan', which was supported by a 'Landscape Specification and Maintenance Document'. From these details is clear what is proposed for the site. A 'Hedgerow No. 1' is identified. This existing hedgerow runs along the southern boundary, northwards along the eastern flank of the site and then to the rear of a house fronting onto Church Hill, and eastwards along the northern boundary of the back garden of the same house. The Landscape Plan expressly states that this hedgerow is to be retained. All proposed structural development is set back from this hedgerow to ensure there would be no interference with it. Boundary treatment for plots and for the remaining site boundaries are clearly identified in the Landscape Plan. These are further explained in the drawing entitled 'Boundary Treatment Site Layout' also submitted as part of the applicant's further information. Two metre high block capped walls would be provided to the rear and flanks of the houses. This would include a continuation of these walls along the northern site boundary east of proposed unit no. 37 and along the southern flank of unit no. 4 inside the existing hedgerow. A concrete retaining wall with a 1.8m high concrete panel and fence on top of the retaining wall would be provided to the rear of the duplex blocks and would be set back from the hedgerow along the southern boundary of the site.

7.5.2 It is apparent that the hedgerows of concern to residents are proposed to be retained as part of the overall development. The proposed block walls along the boundaries of the site adjoining neighbouring residential properties that are intended to be developed are of sufficient height and form to protect the established residential amenities of these neighbouring properties and would form an appropriate enclosure of the site. These walls do not require to be increased in height as they would provide the protection of privacy in the form and height proposed.

7.6. Infrastructure Deficiencies

7.6.1 The observers Robin and Jean Gill raise concerns relating to the lack of consideration given to the impact of the proposed development on existing services such as water and sewage. The Orchard Rise residents also raise concerns about the deterioration of watermain infrastructure in the area. I note that details of the proposed development were forwarded to Irish Water for its considerations. Irish Water has no objections to the proposed development. Having regard to this, it is reasonable to conclude that adequate public water services are available to serve the proposed development into the future.

7.7. Impact on Wildlife and Habitats

7.7.1 I note the urban location of the site, with some dense hedgerow and trees around the periphery, the derelict condition of the existing house at the road frontage, and the context within which the site is placed, i.e. surrounded by modern housing. The site is of no known significant wildlife interest. The proposed retention of hedgerow, notably to the south, will ensure that this hedgerow will continue to function as relevant habitat for wildlife in this urban setting. I note the condition of the existing dwelling on the site, as well as established trees, and the potential to support the roosting of bats. The Board will be aware that a bat survey to inspect potential bat roost features was carried out as part of the further information submitted to the planning authority. This survey noted that no evidence of bats was recorded during the external and internal survey of the existing building on the site and that no trees suitable for bats would be affected by the proposed development. The report proposed appropriate mitigation measures relating to the demolition of the building and it was predicted that the long-term impact on bats would be negligible. Based upon the surveys undertaken at this site, its urban location, and the mitigation measures proposed relating to the demolition of the existing dwelling, retention of hedgerow and proposed additional landscaping, it is reasonable to determine that the proposed development would not have any significant adverse impact on wildlife at this location.

7.7.2 I note that the appeal from Denis McCarthy queried the appropriate assessment screening undertaken by the planning authority. In response to this, it can only be

repeated that the site of the proposed development would be constructed in the urban centre of Carrigaline and the proposed development would be serviceable by public watermains and sewer. This site is not alone surrounded by established residential development, inclusive of where the appellant resides, but is distant from any European site. The proposed development would not have any likely effect on any distant European site in this urban location.

Note: I acknowledge that the 0.927 hectare site is located on elevated land immediately south of the village centre of Carrigaline. I note that no issue has arisen relating to archaeology. However, given the location and scale of the site and the nature and extent of the proposed development at this location, I consider that it would be prudent to include a condition with any grant of planning permission that would require archaeological monitoring of the construction stage of the development.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the planning history of the site, to the zoning provision for this site, to the established residential development in the immediate vicinity, and to the density, design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities or the amenities of adjoining properties, would not endanger public safety by reason of traffic hazard, and would otherwise be in accordance with the provisions of Cork County Development Plan and Ballincollig Carrigaline Municipal District Local Area Plan. 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 drawings and details submitted to the planning authority on the 3rd February, 2020, 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. Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the of the proposed dwellings without a prior grant of planning permission.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity

4. The site shall be landscaped and all site boundary treatment shall be in accordance with the drawings submitted to the planning authority on 3rd February 2020. Hedgerow No. 1 along the site's flanks shall be retained in full.

Reason: In the interest of residential and visual amenity.

5. Water supply and drainage arrangements, including the 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.

6. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including the demolition of the existing structures on the site, the retention of boundary walls, and the provision of the retaining wall along the southern site boundary.

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

9. 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.

10. 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.

Reason: In the interests of amenity and public safety.

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

planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

12. 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, landscaping 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.

13. 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.

Kevin Moore
Senior Planning Inspector

1st July, 2020