



An  
Bord  
Pleanála

## Inspector's Report ABP-308650-20

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<b>Development</b>	To construct 13 dwelling houses (phase 3) and all associated ancillary development works including access roads, parking, footpaths, drainage, landscaping and amenity areas.
<b>Location</b>	Crenagh Hill, Woodside (townland), Kerry Pike, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	20/39213
<b>Applicant(s)</b>	TFT Construction Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 27 conditions
<b>Type of Appeal</b>	First Party -v- Conditions Third Party -v- Decision
<b>Appellant(s)</b>	TFT Construction Ltd Clogheen/Kerry Pike Community Association
<b>Observer(s)</b>	Padraig & Christine Hyde

**Date of Site Inspection**

18<sup>th</sup> February 2021

**Inspector**

Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
4.0 Planning History.....	7
5.0 Policy and Context.....	8
5.1. National Planning Guidelines .....	8
5.2. Development Plan.....	8
5.3. Natural Heritage Designations .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Responses .....	11
6.3. Planning Authority Response .....	14
6.4. Observations .....	14
6.5. Further Responses.....	15
7.0 Assessment.....	15
8.0 Recommendation.....	26
9.0 Reasons and Considerations.....	26
10.0 Conditions .....	27

## 1.0 Site Location and Description

- 1.1. The site is located at the north western end of Kerry Pike, a linear village on the L2779, which lies 4.5 km to the west of the north western outskirts of Cork City, 2 km to the south of Blarney, and 2.2 km to the east south-east of the centre of Model Village. This village lies on land that is elevated above the River Shournagh Valley to the south. The R579 runs through this Valley and it forms a junction with the L2777 at Healy Bridge, which in turn provides a link to the Village.
- 1.2. The site lies off the south western side of the L2779 to the rear of existing/proposed frontage residential development. It is also accessed from this local road via a junction to the north, which has been formed to serve, in the first instance, housing that is nearing completion as Phase 1 of the overall development of lands including the application site.
- 1.3. The site itself has been cleared and it extends over an area of 0.333 hectares. It is the subject of gentle gradients that fall generally in a south easterly direction. This site is bound to the east by a vacant site and a housing plot with a bungalow upon it. The common boundary with this plot is denoted by means of a row of mature conifers. The northern boundary abuts what will be the rear gardens of housing nearing completion and the western boundary is undefined at present “on the ground”. The southern boundary is denoted by a continuation of the conifers from along the eastern boundary. It also crosses an existing track, which runs between extensive glasshouses or their frames that remain in-situ on lands to the south.
- 1.4. The site adjoins a neighbouring site to the west, which is the subject of a parallel application 20/39116 and appeal ABP-308657-20 (Phase 2).

## 2.0 Proposed Development

- 2.1. As originally submitted, the proposal was for 13 two-storey dwelling houses (1224.6 sqm), which would be laid out on the north eastern side of a new road that would be constructed to serve them. These dwelling houses would constitute Phase 3 of the overall development and they would comprise the following house types and sizes:
  - 6 x three-bed end of terrace townhouse (105.4 sqm), and
  - 7 x two-bed mid-terrace townhouse (84.6 sqm).

These dwelling houses would be arranged in a terrace of 4, of 5, and of 4. All would be served by rear gardens, while the former 6 and the latter 7 dwelling houses would be served by 2 and 1 off-street car parking spaces to the front, respectively.

- 2.2. Part V obligations are proposed to be met by means of the transfer of a two-bed mid-terrace townhouse in Phase 2 to Cork County Council.
- 2.3. The existing track to the south of the site would be utilised as a route for the foul and stormwater sewers that would serve the overall development and which would connect with the existing public sewerage system under the L2779 at a point adjacent to the entrance way to the greenhouse lands.
- 2.4. Under further information, the proposal was revised to 12 dwelling houses of the following types and sizes:
  - 6 x three-bed semi-detached, and
  - 6 terraced: 4 three-bed end of terrace and 2 two-bed mid-terrace.

These dwelling houses would be arranged as 1 pair of semis, 1 terrace of 3, 2 pairs of semis, and 1 terrace of 3. Each would be served by 2 off-street car parking spaces, except the 2 mid-terrace dwelling houses, which would be served by 1.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Following receipt of further information, planning permission was granted subject to 27 conditions, including the following ones:

*2. The mid-terrace units Nos. 26 and 33 (the 2 no. two-bed units) shall be omitted, so that the resultant house types are semi-detached. Revised plans and elevations showing provision for this shall be submitted and agreed in writing prior to commencement of any development.*

*Reason: In the interest of the residential amenities of existing properties and the proper planning and sustainable development of the area.*

*3. Permission is granted for 10 units in this phase.*

*Reason: in the interests of clarity.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Further information was sought with respect to the following matters:

- Site layout to be revised to improve the housing mix and lower the density and height of dwellings on this backland site.
- Drainage clarifications with respect to attenuation calculations, whether any connections to Phases 2 and 3 have been factored-in to the design, and details of the proposed connection to the public storm water sewer.
- Construction Management and Waste Management Plans.
- Clarification with respect to any vehicular and/or pedestrian access from the L2779 to the south-east of the site. On-site access arrangements to denote pedestrian priority over vehicles.
- Details of the proposed access from the L2779 to the north-east, i.e. sightlines and adequacy of scope available for turning movements. This access to be the subject of a RSA.
- Details of proposed footpath, including drainage and lighting, along the L2779 to existing services. Written consents from affected landowners.
- Survey of existing public stormwater network to address adequacy of this network to serve the proposal, including the proposed footpath.

### 3.2.2. Other Technical Reports

- Inland Fisheries Ireland: Defers to Irish Water.
- Irish Water: Advises that a Confirmation of Feasibility for 45 dwellings has been issued to the applicant: Conditions requested.
- Cork City Council:
  - Drainage: Following receipt of further information, no objection, subject to conditions.
  - Traffic: Regulation & Safety: Following receipt of further information, no objection, subject to conditions.

- Environment: Following receipt of further information, no objection, subject to conditions.
- Urban Roads & Street Design: Following receipt of further information, no objection, subject to a condition.
- Area Engineer: Following receipt of further information, no objection, subject to conditions.
- Contributions: No objection, subject to condition.
- Housing: No objection, subject to condition.
- Environment, Waste Management & Control: Following receipt of further information, no objection, subject to conditions.

## 4.0 Planning History

Adjoining site to the north-west:

- 19/4557: Phase 1 of a residential development consisting of the removal of all existing glasshouses (4 no. in total), the removal of 1 no. existing water tank, the removal of 2 no. raised tanks and the removal of 2 no. sheds and the construction of 22 no. dwelling houses (10 no. houses will have an option of a rear extension and 4 no. houses will have an option of a rear sunroom) and all associated ancillary development works including access, roads, parking, footpaths, drainage, landscaping and amenity areas: Permitted.

Adjoining site to the south-west (Phase 2):

- 20/39116: To construct 13 dwelling houses and all associated ancillary development works including access roads, parking, footpaths, drainage, landscaping and amenity areas. This application is the subject of a parallel appeal ABP-308657-20.

Adjoining site to the east north-east:

- 18/6251: Outline: Erection of a dwelling house: Permitted.

## 5.0 Policy and Context

### 5.1. National Planning Guidelines

- Sustainable Residential Development in Urban Areas Guidelines
- Quality Housing for Sustainable Communities: Best Practice Guidelines

### 5.2. Development Plan

Under the Cobh Municipal District Local Area Plan (LAP) 2017, Kerry Pike is identified as a village and the site is shown as lying within the development boundary and in an “existing built-up area”.

The LAP states that over the plan period, 2017 – 2023, the number of new dwellings in Kerry Pike should not exceed 30 and new individual housing schemes should not normally exceed 20 dwellings. It also states that “Individual schemes in excess of the recommended scale...may be considered where it is demonstrated that the overall scheme 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.”

### 5.3. Natural Heritage Designations

Cork Harbour SPA (004030)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### (a) TFT Construction Ltd

The applicant appeals conditions nos. 2 and 3 attached to the planning permission and it requests that this appeal be considered under Section 139 of the Planning and Development Act, 2000 – 2020. In this respect, the following points are made:



- As originally submitted, the proposal was for 13 dwellings and as revised it is for 12, with only 10 being permitted. This further reduction was prompted by the LAP. The applicant comments on these matters as follows:
  - The 20 units cap is indicative rather than mandatory, i.e. new individual housing schemes should *normally* not exceed 20 dwellings.
  - Regardless of total numbers, an appropriate density is required. Reference in this respect is made to the case inspector's report on ABP-306603-20.
  - While 3 housing permissions have been granted for Kerry Pike since the LAP was adopted in 2017, i.e. 18/6729 for 6 dwellings, 19/4570 for 21 dwellings, and 19/4557 for 22 dwellings, they have yet to be implemented.
  - Irish Water has recently invested in upgrading the public water main and public sewerage system that serves Kerry Pike.
  - By way of response to the LAP, the applicant's own lands are being developed on a phased basis that respects the pattern and grain of existing development.

Conditions nos. 2 and 3 would reduce the housing mix and density of the proposal and undermines the above cited investment in infrastructure.

- Under further information, the proposal was revised to exhibit a great housing mix.
- With respect to dwellings nos. 30 – 34 (inclusive), agreement on finished levels and boundary treatments was reached with a local resident.
- The proposal would incorporate a central village green, which would be the subject of passive overlooking.
- The architectural language of the proposal would be shared by Phases 1 and 3.

#### **(b) Clogheen/Kerry Pike Community Association**

- Attention is drawn to provisions of the LAP for Kerry Pike, which envisage no more than 30 dwellings over its lifetime, with individual schemes being capped at 20 dwellings. This Plan recognises the need for infrastructure

improvements, including to the road network, and it recognises, too, the lack of shops.

By contrast, the development of almost 200 dwellings is already in prospect, with adverse implications for local services.

- The case planner's two reports are cited. While the first refers to the strong objections of local residents based on the LAP's provisions, the second does not reiterate these and, without mitigating circumstances, proceeds to recommend approval.
- Since the LAP's adoption, 43 new dwellings have been permitted and permissions for a total of 38 dwellings have been extended.
- If the current and parallel proposals are granted, then a further 21 dwellings would be in prospect.
- The site suffers from the following infrastructure deficiencies:
  - There is no continuous footpath between it and the local National School and GAA grounds,
  - There is no continuous footpath between it and Tower, where there are shops,
  - There is no bus service to/from Kerry Pike,
  - The public water main experiences a high level of leaks and outages, and
  - Local roads are narrow and unable to handle existing traffic satisfactorily.
- Residents have concerns over privacy and the height of proposed dwellings, which would be sited on higher ground than existing ones.
- Attention is drawn to the Community Association's submission to the review of the CDP, which itemises infrastructural deficiencies.
- In conclusion the proposal would be premature in advance of infrastructure improvements and it would exceed the number of new dwellings envisaged by the LAP for Kerry Pike.

## 6.2. Responses

### Appellant (a) to appellant (b)

(i) The proposal is consistent with the objectives of the CDP and the LAP:

- The site lies within the development boundary around Kerry Pike.
- The proposal would be laid out to generally align with the building lines of the existing glasshouses on the site.
- Attention is drawn to not only the number of dwellings permitted since the adoption of the LAP in 2017 but to the number of these dwellings which have been the subject of building control commencement notices, i.e. 22 or an average of 7 per annum.
- While the LAP refers to 20 dwellings as the normal maximum for new individual housing schemes, it also states that this maximum can be exceeded “where it is demonstrated that the overall scheme 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 current proposal would thus be appropriate.
- The Sustainable Residential Development is Urban Areas Guidelines and the Action Plan on Housing and Homelessness – Rebuilding Ireland promote the provision of housing at higher densities in villages served by public transport.

(ii) The proposal would not have a negative impact on the water supply in the area:

- Attention is drawn to Irish Water’s Confirmation of Feasibility for 45 dwellings of which the currently proposed 13 would form a part and to its advice that, subject to a valid connection agreement, the applicant’s proposed connection can be facilitated.
- Attention is also drawn to Table 2.3 of the LAP, which indicates that the capacity of Irish Water’s drinking water and waste water services in Kerry Pike is “broadly adequate”.
- Recent Irish Water projects of benefit to Kerry Pike are itemised, e.g. an upgraded water main and new foul and stormwater sewers.

(iii) A footpath is current being constructed between the Phase 1 site and the village centre:

- Condition 4 attached to permitted application 19/4557 requires the provision of a 500m footpath along the L2779 between the Phase 1 site and the village, i.e. the entrance to the Woodlands Estate, where an existing footpath ends. This footpath is currently under construction. It has entailed the applicant in considerable time and expense in acquiring the requisite strips of land from local landowners.
- Condition 3 attached to permitted application 19/4557 also requires payment of a special contribution to the Planning Authority to fund a footpath to the core of the village.

(iv) The proposal would entail a layout and boundary treatments that would ensure the privacy of existing properties:

- The proposed dwellings would be sited a minimum of 22m away from existing dwellings.
- Under further information the ridge heights of the proposed dwellings were reduced by 0.8m.
- The boundary between the site and adjacent dwellings would be denoted by means of a 2m high wall, which would be accompanied by post and wire fencing and *leylandii* hedging.

(v) The application was accompanied by a comprehensive list of supporting material:

- Documentation submitted with the original application and as further information facilitated the public and the Planning Authority in the making of a full assessment of the proposal.

### **Appellant (b) to appellant (a)**

LAP

- The applicant cites Whitechurch as a precedent for the development of Kerry Pike. However, this village is well served by local services and footpaths and its housing threshold has not been reached. Accordingly, it is not comparable to Kerry Pike.

## New housing

- Since 2017, c. 180 new dwellings have been constructed and occupied in Kerry Pike.
- Since 2017, a further 81 dwellings have been granted permission, of which 22 are under construction and a further 38 are due to commence shortly. (The commencement of the remaining 21 is unknown).
- Without major infrastructure improvements, the village will be overwhelmed.

## Infrastructure improvements to date

- These have been piecemeal by comparison with other towns/villages.
- A new sewer serves only half of the existing dwellings in the village.
- While the public water main was replaced as far as Mackey's Cross, this falls short of the village and the intervening line is prone to frequent breakages in supply. Irish Water has no plans to replace this intervening line and so the pattern of breakages and repairs is set to be perpetuated.
- While the applicant has constructed a new footpath, it falls short of the 3 main businesses in the village that generate footfall and where the existing road is most hazardous.

## Transport

- There is no bus service to/from the village and the narrowness of the local road network would militate against the provision of one.
- No cycleways exist.

## Privacy

- The proposal would be on higher ground than existing residential properties.
- In the absence of proposed single storey dwellings or a higher boundary wall, overlooking would be an issue.

## Houses: Phase 1

- These dwellings are completely out of character with the surrounding area and they tower over and invade the privacy of existing residential properties.

- Given infrastructure and transport deficiencies, new residents will only be able to access local services by car.
- Additionally, work has recommenced on a c. 60 dwelling site between Tower and Kerry Pike, which will place added strain on local roads.

In the absence of adequate infrastructure, the proposal is premature and it will exceed the LAP's cap on new dwellings.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

Padraig & Christine Hyde

- Contrary to the applicant's statement, development under permitted application 19/4557, i.e. Phase 1 of the applicant's site, has commenced and is well advanced.
- Insofar as the applicant engaged with the observers, this was with respect to the provision of a footpath across the front of their property. To the rear, their property would be overlooked by proposed dwellings nos. 30 – 35 (inclusive), a concern that was raised with the applicant.
- The rear boundary of the observers' property is c. 46m long and it abuts the aforementioned house plots. While under further information, the finished ground floor levels of these dwellings would coincide with that of the observers' bungalow, they would be two-storey dwellings with the potential for future attic conversions. Consequently, rear first floor windows would lead to overlooking of the observers' rear garden, including a patio, and habitable room openings in the rear elevation of their bungalow. Privacy and security would be compromised thereby. Furthermore, the presence of 6 two-storey dwellings would be overbearing.
- The conditioned omission of one of these dwellings, i.e. no. 33, would not address the issues of overlooking and overbearing. Instead, they should be respecified as single storey dwellings. Such re-specification would ensure that

the transition from existing bungalows to proposed two-storey storey dwellings in Phase 2, further to the west, would be mediated by single storey dwellings in Phase 3, to the west.

- If two-storey dwellings are to be permitted, then the Board is requested to reduce the number to the rear of the observers' property and to reduce the finished ground floor levels still further.

## 6.5. Further Responses

None

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, Cork County Development Plan 2014 – 2020 (CDP), Cobh Municipal District Local Area Plan 2017 (LAP), relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Zoning, settlement planning, and density,
- (ii) Development standards,
- (iii) Amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

### **(i) Zoning, settlement planning, and density**

#### **(a) Zoning**

7.2. Paragraph 5.2.20 of the LAP reports that the development boundary around Kerry Pike has remained largely unchanged since 1996. However, it was expanded in 2017 to include the nursery lands at the north of the village. These lands include the subject site. They are zoned, as is the entirety of the village, "existing built-up area". There is no in principle land use objection to residential development on the site.

## **(b) Settlement planning**

- 7.3. Under Table 2.3 of the LAP, Kerry Pike is identified as a village, which in 2015 had 174 houses. If an average household size of 3 persons is assumed, then the approximate population of this village would be 522.
- 7.4. In Chapter 6 of the Sustainable Residential Development in Urban Areas Guidelines, villages with populations between 400 and 2000 persons are addressed. These Guidelines state that “the scale of new residential development should be in proportion to the pattern and grain of existing development” and they specifically advise that “where a...village has grown rapidly in recent years, the LAP might recommend the phased development of a variety of sites over time, subject to a proviso that no one proposal for residential development should increase the existing housing stock (including permitted and committed development) by more than 10 – 15% within the lifetime of the...LAP.”
- 7.5. Under Table 5.2.1 of the LAP, Kerry Pike is shown as having grown by 23 houses between 2005 and 2015 and 30 houses are cited as being the overall scale of development envisaged for the plan period of 2017 – 2023. This Table states that the normal recommended scale of any individual scheme is 20 houses. It also states that “Individual schemes in excess of the recommended scale...may be considered where it is demonstrated that the overall scheme 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.”
- 7.6. Appellants (a) and (b) have interacted over the question of housing figures for Kerry Pike. A comparison of their submissions prompts the following synthesis:

Permissions from before the adoption of the current LAP have been/are being implemented with 180 houses constructed and occupied to date. (Table 5.2.1 of the LAP did not show these houses as it simply stated the number built, as distinct from permitted, between 2005 – 2015).

Since the adoption of the current LAP, time extension permissions for 38 houses have been granted and new permissions for 43 have been granted. These figures disaggregate as follows:



- Time extension permissions:
  - 18/4591: 32 houses – to be commenced “shortly”
  - 18/6729: 6 houses – commencement unknown
- New permissions:
  - 19/4570: 21 houses – commencement unknown
  - 19/4557: 22 houses – building commencement notices served

7.7. During my site visit, I observed extensive areas of new housing in the south eastern portion of the village, which appeared to be the 180 houses identified by appellant (b). I also observed that on land adjoining the site to the north, Phase 1 of the applicant’s development is nearing completion, i.e. the 22 houses permitted under application 19/4557.

7.8. With respect to the current LAP’s cap of 30 houses, I consider that in the light of the Sustainable Residential Development in Urban Areas Guidelines this may be too tight, i.e. 10 – 15 % of 174 + 180 houses would suggest a cap of 35 – 53 houses. As new permissions for 43 houses have been granted and 21 have commenced/are nearing completion, there would appear to be headroom within the plan period for the 13 houses proposed under the current application and the 13 houses proposed under the parallel application, i.e. if each of the applicant’s three phases were to proceed, 47 houses would be constructed.

7.9. The phased basis to the development of the applicant’s lands reflects the advice of the Guidelines. I acknowledge that, if the houses proposed for Phase 2 and 3 were to be aggregated, then at 26 they would exceed the cap of 20 houses in any individual scheme. This cap is however qualified by design considerations which seek the reinforcement of the character of the village and the avoidance of layouts that are typical of large housing estates.

7.10. Under Section 6.5 of the Guidelines, the role of Village Design Statements (VDS) in articulating local character and guiding new development proposals is highlighted. Such a Statement has not been prepared for Kerry Pike and so, in its absence, the applicant has prepared layouts for Phase 1 and Phases 2/3 which entail the siting of dwelling houses around “village greens”. The dwelling houses themselves are

designed to be of traditional form and appearance and a degree of variety would be introduced by means of the specification of two different house types. Accordingly, I consider that the layout and design of the proposal are such that the above cited qualification can reasonably be availed of.

**(c) Density**

- 7.11. The Sustainable Residential Density in Urban Areas Guidelines advises on the density of housing on edge of centre and edge of village sites to the effect that, on the former sites, densities of 20 – 35 dwelling houses per hectare would be appropriate, and, on the latter sites, densities of less than 15 – 20 dwelling houses per hectare would be appropriate, where such development does not represent more than about 20% of new housing stock.
- 7.12. As originally submitted, the proposal would entail the provision of 13 dwelling houses on a site with an area of 0.333 hectares. As revised and conditioned, the number of dwelling houses would contract to 12 and 10, respectively. Corresponding site densities would be 39, 36, and 30 dwelling houses per hectare.
- 7.13. As the proposal would benefit from the “village green” that would be incorporated in the parallel application for the site the west, a more representative measure of density emerges from combining these two proposals. Thus, as originally submitted they would entail the provision of 26 dwelling houses on an overall site of 0.855 hectares. As revised 26, and as conditioned 21 dwelling houses would be provided. Corresponding site densities would be 30, 30, and 24.5 dwelling house per hectare.
- 7.14. I note that the site is in an edge of village location rather than an edge of centre one. I note, too, that the Guidelines present the lower range of densities cited within the context of seeking to provide an alternative to one-off dwelling houses in the countryside. Where this quest is not to the fore, they do not exclude the possibility of higher densities, indeed they emphasis the importance of achieving a strong urban edge. Accordingly, I consider that the density exhibited by the proposal would be compliant with these Guidelines.
- 7.15. I conclude that the proposal would be appropriate in principle under the LAP’s zoning of the site, it would be capable of according with the settlement planning parameters for Kerry Pike, and it would achieve a satisfactory density.

## **(ii) Development standards**

7.16. As revised, the proposal is for 12 two-storey dwelling houses. These dwelling houses would comprise 3 pairs of semi-detached dwelling houses and 2 terraces of three dwelling houses. They would incorporate 4 housing typologies, one of which (TY1) would be used in 2 of the 3 pairs of semi-detached dwelling houses and as a southerly end-of-terrace dwelling house in each of the 2 terraces. Details of the housing typologies are set out below:

- TY1 is specified for plots 23, 24, 27, 30, 31 & 34: 3-bed/5-person – 128 sqm,
- TY1B is specified for plots 28 & 29: 3-bed/5-person – 128 sqm,
- TY2B is specified for plots 25 & 32: 3-bed/5-person – 128 sqm, and
- TY7 is specified for plots 26 & 33: 2-bed/4-person – 104 sqm.

7.17. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, recommended space provision and room sizes for typical dwelling houses are set out, along with minimum room widths in the accompanying text. The submitted house typologies would comply with these standards, except with respect to storage space where 3.1 sqm, rather than 5 sqm, is specified for TY1, TY1B & TY2 and no storage space, rather than 4 sqm, is specified for TY7. With respect to the former typologies, under stair storage space may be capable of supplementing this area and the specified landing in these typologies would be generous, and, with respect to the latter typology, under stair storage space may be capable of being specified.

7.18. The submitted plans show that each dwelling house would be served by an east north-east facing rear garden. These gardens would range in area from 63.1 sqm to 211 sqm.

7.19. I conclude that the proposal would comply with relevant development standards.

## **(iii) Amenity**

7.20. The observers reside in the existing bungalow to the east north-east of the site. (Extant outline permission exists for a dwelling house on the adjoining vacant plot (18/6251) also to the east north-east). They object to the proposal on the grounds that the two-storey dwelling houses proposed for house plots 30 – 34 (inclusive)

would be overbearing when viewed from their residential property and they would be overlooked from proposed first floor windows and future dormer windows.

- 7.21. The observers contend that the proposal should be respecified as a row of single storey dwelling houses in a bid to ease the transition from their bungalow to Phase 2 of the applicant's overall site further to the west, where two-storey dwelling houses are also proposed.
- 7.22. Under further information, the applicant omitted a house plot from the proposal, and it reduced the finished ground floor levels of the dwelling houses on the majority of the remaining house plots. Thus, on the plots of particular concern to the observers, these levels were reduced by 0.59m from 88m OD to 87.41m OD, and, as such, they would coincide with the finished floor level of the observers' bungalow. It also changed the format of the row of proposed dwelling houses from a terrace of 5 dwelling houses to the rear of the said bungalow to a pair of semis and a terrace of 3 dwelling houses. (As conditioned by the Planning Authority, this terrace would be respecified as a pair of semis). The resulting changes in house types would result in 0.2m higher ridge heights of 8.55m as against 8.325m. Consequently, the net reduction in height would be 0.39m.
- 7.23. The applicant (appellant (a)) has responded to appellant (b) who expressed some of the observers concerns, too. It draws attention to the revisions cited above that were made under further information and to the separation distance of 22m between corresponding rear elevations.
- 7.24. During my site visit, I observed that there is a row of conifers on the observers' side of the common boundary with the site. If retained, then these conifers would continue to screen the site from their bungalow. Conversely, these conifers would overshadow the rear gardens to the dwelling houses proposed for house plots numbered 30 – 34 (inclusive), thereby limiting their amenity value.
- 7.25. The applicant (appellant (a)) has appealed the Planning Authority's conditions that effectively require the 2 proposed terraces to be respecified as 2 pairs of semi-detached dwelling houses. It contends that these conditions reduce the density of the proposal and its housing mix.
- 7.26. I acknowledge the applicant's points. Nevertheless, under my discussion of density, the reduction envisaged would not be problematic from a policy perspective and, if

the parallel proposal is taken into account for the adjoining site to the west, a reasonable housing mix would be maintained.

- 7.27. I consider that the Planning Authority's conditions would ease the relationship between the observers' bungalow and the proposal, and it would ease any future relationship with the dwelling house envisaged for the adjoining house plot also to the east north-east. I consider, too, that in terms of streetscape/visual amenity the proposal would appear less urban and the consistent specification of semis would allow for greater separation distances between pairs and thus the opportunity of greater light penetration to rear gardens.
- 7.28. I note the need in mirroring the Planning Authority's conditions to ensure that the pairs of semis are consistently symmetrical, i.e. they should each comprise the same housing typology. I note, too, that it would be desirable that the consequential re-siting of all the resultant pairs of semi-detached dwelling houses would achieve an even separation distance between each of them.
- 7.29. I conclude that the proposal would, subject to conditions equivalent to Conditions Nos. 2 & 3 attached to the Planning Authority's permission, be compatible with visual and residential amenity.

#### **(iv) Traffic, access, and parking**

- 7.30. Vehicular traffic would be generated by the proposal. This traffic, along with that generated by the parallel proposal for Phase 2, would be routed through the Phase 1 proposal, which is nearing completion to the north, to the newly constructed junction with the L2779, where satisfactory sightlines exist.
- 7.31. On site, the proposal would be served by a cul-de-sac. The Area Engineer advised that this cul-de-sac be provided with a turning bay and Condition No. 8 of the Planning Authority's permission requires such provision. *Prima facie*, there is scope for it, if such a bay is designed in conjunction with the revised siting of the proposed dwelling houses discussed under the third heading of my assessment.
- 7.32. Pedestrian traffic would be generated by the proposal. During my site visit, I observed that the applicant has constructed a 500m long, illuminated, public footpath along the nearside of the L2779, which runs between the above cited junction and an existing public footpath that runs on towards the village centre. It has thereby complied with Condition No. 4 attached to the permission granted to application

19/4557. (The accompanying Condition No. 3 requires the applicant to pay a special contribution to fund the continuation of this public footpath to the village core). Thus, pedestrian connectivity to the admittedly limited range of retail/eatery facilities now exists.

- 7.33. While appellant (b) acknowledges the public footpath that has been provided, it draws attention to the remaining gap in such provision, which means that a continuous public footpath to the local National School and GAA Grounds is not presently available. It also draws attention to the width, alignment, and condition of the L2779, which limits its appeal to cyclists and to the absence of a bus service.
- 7.34. By way of response, the remaining gap would presumably be addressed by the above cited Condition No. 3, the opportunity to provide separate cycle facilities does not appear to exist, and, while Kerry Pike is not served by a bus, such services do exist, to the west, at Healy Bridge on the R579 and, to the north, through Tower on the R617. Admittedly the use of such services would need to be supplemented by lifts to and from bus stops as continuous public footpaths to the nearest bus stops to the west and to the north do not exist.
- 7.35. As revised, off-street car parking would be provided at each of the proposed dwelling houses: The 10 three-bed dwelling houses would each be served by 2 spaces and the 2 two-bed dwelling houses would each be served by 1 space. The plans for the parallel proposal to the west show 2 on-street car parking spaces on the opposite side of the cul-de-sac from these dwelling houses. Under the amendments to the current proposal discussed above, the opportunity to provide each dwelling house with 2 off-street car parking spaces would arise and so the need for these 2 on-street ones would be obviated. CDP standards would thereby be met.
- 7.36. I conclude that vehicular and pedestrian traffic generated by the proposal would be capable of being handled satisfactorily on the L2779. Access to the overall site from this local road would also be satisfactory and parking provision would be capable of complying with CDP standards.

#### **(v) Water**

- 7.37. The proposal would be connected to the public water mains and the public foul and stormwater sewerage system. Irish Water advises that the applicant has made a pre-connection enquiry and it has confirmed that the connection of 45 dwelling houses,

including the 13 currently proposed, to its networks would be feasible. The submitted plans show a wayleave over adjoining land to the south, which would be utilised for the installation of the proposed on-site foul and stormwater sewers. These sewers would connect with Irish Water's networks under the L2779 at points adjacent to the existing entrance to the land, which continues to accommodate greenhouses.

- 7.38. Appellant (b) has expressed concern over the adequacy of Irish Water's networks to adequately service the proposal and existing users. The limitations of recent improvements to these networks are highlighted. The applicant has responded by referring to Irish Water's above cited confirmation of feasibility advice to it.
- 7.39. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.40. Under the proposal, stormwater would be handled by means of an attenuation tank, which would be accompanied by a silt trap, a hydrocarbon interceptor, and a hydro-brake that would be set to mimic the greenfield site run-off rate. The tank itself would be designed to cope with up to a 1 in 100 year storm event and it would be sited in a position wherein it would be partially in the south-western corner of the subject site and partially in the south-eastern corner of the adjoining site.
- 7.41. I conclude that no water issues would arise.

#### **(vi) Appropriate Assessment**

- 7.42. The applicant submitted a Stage 1 Screening for the proposal. I will draw upon this Screening and the NPWS website in undertaking my own Stage 1 Screening below.
- 7.43. The site is neither in nor beside a European site. The River Shournagh runs some 0.4 km to the south of this site. This River flows into the River Lee, which flows into Cork Harbour. Two European Sites exist in this Harbour, i.e. Cork Harbour SPA (004030) and Great Island SAC (001058). The applicant reports that, while the site is too distant from the River Shournagh for there to be any risk of surface water run-off, during the construction phase, into this River, during the operational phase, hydrological links would be established via the public foul and stormwater sewerage systems. A Stage 1 Screening Exercise is therefore appropriate.

7.44. Under Screening for Stage 1 Appropriate Assessment, the question to be addressed is, “Is the project likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s)?”

7.45. The project is for the construction of 13 dwelling houses as Phase 3 of a larger housing development on a site in the north western outskirts of Kerry Pike. These dwelling houses would be connected to the public foul and stormwater sewerage systems.

7.46. The Qualifying Interests of Cork Harbour SPA are as follows:

Little Grebe (*Tachybaptus ruficollis*) [A004]

Great Crested Grebe (*Podiceps cristatus*) [A005]

Cormorant (*Phalacrocorax carbo*) [A017]

Grey Heron (*Ardea cinerea*) [A028]

Shelduck (*Tadorna tadorna*) [A048]

Wigeon (*Anas penelope*) [A050]

Teal (*Anas crecca*) [A052]

Pintail (*Anas acuta*) [A054]

Shoveler (*Anas clypeata*) [A056]

Red-breasted Merganser (*Mergus serrator*) [A069]

Oystercatcher (*Haematopus ostralegus*) [A130]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Lapwing (*Vanellus vanellus*) [A142]

Dunlin (*Calidris alpina*) [A149]

Black-tailed Godwit (*Limosa limosa*) [A156]

Bar-tailed Godwit (*Limosa lapponica*) [A157]

Curlew (*Numenius arquata*) [A160]

Redshank (*Tringa totanus*) [A162]

Black-headed Gull (*Chroicocephalus ridibundus*) [A179]

Common Gull (*Larus canus*) [A182]

Lesser Black-backed Gull (*Larus fuscus*) [A183]



Common Tern (*Sterna hirundo*) [A193]

Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

7.47. The Qualifying Interests of Great Island Channel SAC are as follows:

Mudflats and sandflats not covered by seawater at low tide [1140]

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

The Conservation Objectives for of these Qualifying Interests is to maintain the former and restore the latter to their favourable conservation condition.

7.48. The Conservation Objectives for the above cited SPA and SAC would be potentially effected by a deterioration in water quality, for example, the food chain and habitats for the birds identified as Qualifying Interests could be harmed.

7.49. The applicant draws attention to the Blarney WWTP, which has a PE of 13,000 and sufficient capacity to service the current proposal and the parallel proposal for a further 13 dwelling houses on the adjoining site to the west. This WWTP is licenced by the EPA (DD0043-01) to discharge to the Blarney River, which follows into the Shournagh River. In 2017 the Annual Environmental Report for it indicated that such discharge was having no observable negative impact upon water quality.

7.50. The applicant also draws attention to the proposed attenuation tank that would serve the two above cited proposals, and which would be accompanied by a silt trap, hydrocarbon interceptor, and hydro-brake. This tank would discharge to the public stormwater sewer at the greenfield site run-off rate. Thus, it would be designed to ensure the maintenance of good water quality and the avoidance of storm surges within the sewer, which would discharge to the Shournagh River. I am satisfied that these measures would be undertaken to address water quality and quantity regardless of any hydrological link to European Sites.

7.51. Given the above considerations and the distance of 14 km between the site and the nearest of the two European sites and the attendant dilution factor, I consider that the current and parallel proposals would not rise to likely significant effects upon the Conservation Objectives of these European Sites.

- 7.52. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 004030 and 001058, in view of these Sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.53. This determination is based on the following: The servicing arrangements for the project, the distance of 14 km between the site and the identified European Sites, and the attendant dilution factor.
- 7.54. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project of a European Site.

## **8.0 Recommendation**

- 8.1. That permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the Sustainable Residential Development in Urban Areas Guidelines, Quality Housing for Sustainable Communities: Best Practice Guidelines, and the Cobh Municipal District Local Area Plan 2017 – 2023, the Board considers that, subject to conditions, the proposal would be an appropriate development within the existing built-up residential area, its scale, design, and layout would complement this area, and it would achieve a satisfactory density. This proposal would comply with development standards and it would be compatible with the visual and residential amenities of the area. Vehicular and pedestrian traffic would be capable of being accommodated satisfactorily on the adjacent local road and access and parking arrangements would, likewise, be satisfactory. No water or Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of September 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) (i) The proposed dwelling houses on plots 26 and 33 shall be omitted.</p> <p>(ii) The dwelling houses on plots 25 &amp; 27 and 32 &amp; 24 shall be respecified as semi-detached dwelling houses of the same house type.</p> <p>(iii) The dwelling houses on plots 25 &amp; 27 and 32 &amp; 24 along with the proposed pairs of semi-detached dwelling houses on plots 23 &amp; 24, 28 &amp; 29, and 30 &amp; 31 shall be re-sited to ensure that they are evenly spaced in relation to one another.</p> <p>(iv) Each dwelling house shall be served by two-off street car parking spaces.</p> <p>(b) The proposed cul-de-sac shall be provided with a turning bay.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity, adequate off-street car parking provision, and good traffic management.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling houses and the finishing materials to their off-street</p>

	<p>car parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(ii) Details of roadside/street planting which shall not include prunus species.</p> <p>(iii) Hard landscaping works, specifying surfacing materials, and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
5.	<p>Prior to the commencement of development, a detailed and site-specific Construction and Waste Management Plan for the proposed development shall be submitted to and agreed in writing with the planning authority.</p>

	<b>Reason:</b> In the interest of amenity and public health and safety.
6.	<p>Prior to the commencement of development, a detailed and site-specific Construction Traffic Management Plan for the proposed development shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of traffic management and road safety.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Drainage arrangements for the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>The internal road network serving the proposed development, including the turning bay, footpaths and kerbs, road markings, and signage shall comply with the detailed standards of the planning authority for such road works.</p> <p><b>Reason:</b> In the interest of vehicular and pedestrian safety.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>

12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
13.	<p>Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and</p>

	<p>maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of €34,000 (thirty-four thousand euro) 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Hugh D. Morrison  
Planning Inspector

22<sup>nd</sup> April 2021