



An
Bord
Pleanála

Inspector's Report

ABP-309476-21

Development	Construction of 5 houses.
Location	Steeplewoods, Killumney Road, Carrigrohane, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2039690
Applicant(s)	Classes Land ULC.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Classes Land ULC.
Observer(s)	Ryan O Donnell on own behalf and on behalf of 9 Steeplewoods Residents.
Date of Site Inspection	18/05/2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of .316 hectares and is located adjacent to the western side of the Steeplewoods Housing Development currently under construction to the southwest of Carrigrohane Village, east of Ballincollig and circa 7km to the west of Cork City. The appeal site comprises a linear strip of land circa 22m x 120m adjoining to the west of the Steeplewoods Estate which is partially constructed and a number of residents are in situ. Works are ongoing to complete the development.
- 1.2. The appeal site comprises undeveloped ground between the Steeplewoods Estate and the N22 which runs on a north south axis to the west of the site. Application details indicate that the adjoining lands to the north currently under development, Carraig Túr, are also in the ownership of the applicant. A wayleave runs east west in the northern part of the site. The appeal site includes mounded areas adjacent to the Steeplewoods Estate whilst treeline vegetation runs to the west towards the N22.

2.0 Proposed Development

- 2.1. The proposal will involve an extension of two access roads within the Steeplewood Development to provide access to the 5 new proposed dwellings two pairs of semi-detached and a detached dwelling. The dwelling designs incorporate a smooth render finish and maintain the existing style of the Steeplewood Estate dwellings.
- 2.2. In relation to Part V the applicant outlines that agreement has been reached in respect of the transfer of 5 units on the adjoining Carraig Túr estate which are intended to fulfil obligations in this regard.

3.0 Planning Authority Decision

3.1. Decision

By order dated 26 January 2021 Cork City Council issued notification of the decision to refuse permission for the following reason:

“Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community

and Local Government in January, 2012, and to Objective TM 3-1 of the Cork County Development Plan 2014-2020, the planning authority considers that, as the site lies within the route protection corridor of the Cork Northern Ring Road (N22/N20/M8) which is a Project Critical to the Delivery of Planned development, the proposal would be premature pending the determination by the planning authority or the road authority of a road layout for the area or any part thereof. Accordingly, to grant permission for this proposal would risk compromising the future design of the road layout, would fail to preserve the Route Protection Corridor, would materially contravene Objective TM 3-1 of the development plan and would be contrary to the above-mentioned guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Assistant Planner’s report notes that the development would equate to almost 16 dwellings per hectares short of the medium A density zoning requirement 20-50 per hectare. Previous obligations in relation to the Steeplewoods development with regard to the construction of a sound barrier are noted. The design of proposed house 1 and its eastern boundary treatment should be revised to increase overlooking of open space to the east. Overlooking of house 17A from proposed landing window could be addressed by design. Refusal was recommended on grounds of potential compromise of future road layout design as notified in subsequent decision.

The report of the Senior Executive Planner’s and Senior Planner concur with the recommendation to refuse.

3.2.2. Other Technical Reports

Environment Report No objection subject to standard conditions.

Roads and Transportation report no objection subject to conditions including submission of stage 1 / 2 and 3 / 4 road safety audit.

Senior Executive Engineer Urban Roads and Street Design. Clarification required regarding wayleave for surface water and apparent conflict with parking spaces, potential encroachment to buffer zone for Cork Northern Ring Road scheme.

Executive Technician - Contributions report No objection subject to Development Contribution €2,4611.77 in accordance with the development contribution scheme.

National Roads Office. Application is premature. This site will be directly affected by the design of the Cork North Ring Road Project. Insufficient information has been provided regarding treatment of site boundaries. Exact proximity to the N22 is not shown. Lands encroach into the lateral clearance which is to be set aside for the development of a parallel slip road to connect into a grade separated Poulavone Roundabout north of the site. Refusal recommended.

Area Engineer's report notes concern that the proposal encroaches onto the route corridor of the northern ring road. Roads and services in Steeplewoods have not been taken in charge. Letter required demonstrating consent to access right of way via private road.

Drainage Report - Further information required regarding soakaways and SUDS measures to include site percolation characteristics.

3.3. Prescribed Bodies

Transport Infrastructure Ireland TII – No observations

Inland Fisheries Ireland. – Irish Water should clarify that there is sufficient capacity for public sewer connection

3.4. Third Party Observations

3.4.1 Submission by a number of local residents as follows:

- David and Emma O Riordan 18 Steeplewoods
- Ryan and Susan O Donnell 19 Steeplewoods
- Paul and Aoife Coughlan, 25 Steeplewoods.

- Maebh O'Brien and John Walsh 17 Steeplewoods.
- Shane Campbell and Aoife Twohig 17A Steeplewoods
- Suzanne Brennan 16A Steeplewoods,
- Paul and Maria O'Connor, 14 Steeplewoods.
- Richard Power 16 Steeplewoods.
- Shaun Jordan & Derval Fox. 9 Steeplewoods.
- Tony Melia & Deirdre Doody, 21 Steeplewoods

3.4.2 The submissions raise common grounds of objection which I have summarised as follows:

- Proposal interferes with sound attenuation mitigation measures which formed part of original Steeplewoods permission.
- Traffic Hazard.
- Insufficient open space and landscaping. Northern section of open space contrary to good design practice as overlooking is inadequate and will become a potential locale for antisocial behaviour.
- Reliance on existing open space.
- Character and design of development inappropriate.
- Overlooking and overshadowing.
- Construction disruption
- Concern regarding increased density of development in this area.
- Existing boundaries within Steeplewoods incomplete and there is no clarity regarding intended completion.
- Proposal will delay completion of the estate including delivery of Eir fibre.

4.0 Planning History

On a larger site which included the appeal site

09/6989 Application for 4 no two storey detached dwellings, 3 detached garages access roads, public lighting temporary treatment plant and all associated site works. Refused 2/11/2009 on grounds of inadequate density and premature pending foul drainage services

Adjoining lands to the north

19/5049 Carraig Tur Estate. Permission for 58 dwellings and associated site development works. Granted 25/11/2019

Adjoining site to the east

10/533 Steeplewoods Estate. Permission granted for the construction of residential development of 27 dwellinghouses. 9/5/2011. 15/6117 Extension of duration of 10/5333 granted 16/11/2015.

17/4604 modifications to 10/5333. Granted 19/6/2017.

17/5811 Construction of 10 dwellinghouses modification to 10/5333. Granted 12/10/2017.

19/05351 Construction of 6 dwellinghouses - modifications to 10/5333 replacement of 4 dwellinghouses with 5 semi-detached. Granted 26/08/2019.

19/38858 Permission for 8 dwellinghouses (changes and amendments to 10/533 Replacement of 4 detached with 8 semi-detached). Granted 24/02/2020

20/39671 Permission for 2 semi-detached dwellings – amendment to 10/533 with omission of one detached house and replacement with 2 semi-detached houses. Granted 19/1/2021

Site to the southwest

ABP 304014 PA ref: 18/7373 The Board upheld the decision of the council to refuse permission for construction of 61 number dwellinghouses as an extension to the Heathfield residential development. Refusal was for the following reason:

“Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January, 2012, and to Objective TM 3-1 of the Cork County Development Plan 2014 – 2020, the Board considered that, as the site lies within the Route Protection Corridor of the Cork Northern Ring Road (N22/N20/M8) which is a Project Critical to the Delivery of Planned Development, the proposal would be premature in advance of the finalisation of the design of the proposed upgraded junction between the N22 and the L-2216 within this Corridor. Accordingly, to grant permission for this proposal would risk compromising the future design of this junction, would fail to preserve the Route Protection Corridor, would materially contravene Objective TM 3-1 of the development plan and would be contrary to the above-mentioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1. Development Plan

5.1.1 The Cork County Development Plan 2014 and Ballincollig Carrigaline Municipal District Local Area Plan 2017 refer.

Under the Cork County Development Plan 2014 – 2020 (CDP), Ballincollig is identified as a Metropolitan Town and the N22, is shown variously as a Route Protection Corridor and a Preferred Route in connection with the Cork North Ring Road (N22/N20/M8) Project, which under Objective TM 3-1(a) is categorised as critical to the delivery of planned development and which the Planning Authority undertakes to seek the support of the TII in its implementation.

Under the Ballincollig – Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is inside the development boundary around this town and on lands zoned residential. • Residential objective BG-R-06 which includes the subject site and it states the following: Medium A density residential development. As part of the Cork Northern Ring Road scheme (wester section) there will be a requirement for a buffer zone to accommodate road widening at this location. Noise attenuation measures should be provided along the boundary with the N22.

Medium A density residential development is described under HOU 4-1 of the CDP as being between 20 – 50 residential units per hectare.

TM3-1 National Road Network.

Projects Critical to the delivery of planned development

Cork Northern Ring Road N22/N20/M8.b) support and provide for improvements to the national road networks including reserving corridors for proposed routes free of inappropriate development so as not to compromise future road schemes.

5.2. Natural Heritage Designations

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

5.3. 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. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1 The appeal is submitted by RMNA Ltd, Architects and Landscape Architects on behalf of Classes Land ULC. The submission is also supported by a report by Barry and Partners Consulting Engineers which addresses Engineering issues, a letter from Ronan Daly Jermyn Solicitors regarding right of way and a report from CLV consulting in relation to noise. Grounds of appeal are summarised as follows:

- Clarification should have been sought in relation to possible overlap impact with the application site and the proposed road reserve.
- NRDO have confirmed that the line of the western boundary wall has been adjusted to follow the eastern line of the N22 route reservation.
- A 2.4m high masonry boundary wall is proposed along the reservation line. Additional acoustic mitigation measures proposed in terms of the acoustic performance of the building element, (walls, roof, triple glazing.)
- Noting objections raised in relation to the issue of a berm along the western boundary of Steeplewoods as conditioned under permission 10/5333, this berm has not been constructed. The road reservation area has in the interim been significantly reduced and the proposed wall will achieve the appropriate level of noise reduction.
- Letter from Ronan Daly Jermyn Solicitors confirms the necessary rights of way and wayleaves to access and service the site.
- Regarding density the existing Steeplewoods estate has a planned density of 17 units per hectare. The appeal site proposes 16 units per hectare arising from the restricted shape, wayleaves and right of way.
- 433sq.m (14%) of site area available for open space. The design of house type A4 is revised to provide additional ground floor windows overlooking the open space to the east. Boundary wall will be reduced to 900m until the rear corner of the house to facilitate a clear view. Additional supervision of the space is provided by existing houses no 17, 17A and proposed units 2 & 3.
- Each dwelling will have 2 parking spaces within the unit curtilage and 3 visitor spaces are provided.
- Subject to the agreement of the Area Engineer the existing turning head at 17A could be removed in lieu of that being provided and footpath linked through resulting in larger green space area.
- It is proposed to call the new houses 1-3 Steeplewoods Close, 1&2 Steeplewoods Green

- Regarding overlooking the first-floor bedroom window on the proposed dwellings are at an oblique angle to the existing dwellings. Any landing or bathroom windows located at first floor on gable ends will be obscurely glazed
- External finish will be the same as Steeplewoods development.
- Lighting design provided is an extension to the existing lighting design.
- Proposal is a sustainable development at a scale and density consistent with the typical pattern of development that has occurred in this area.
- Percolation testing for surface water proposals could not be carried out due to Covid 19 restrictions however it is suggested that this matter could be addressed by way of condition. Surface water outfall has sufficient capacity.
- Additional traffic volumes are likely to be limited and are not likely to cause significant traffic disruption.
- Existing water supply and wastewater infrastructure in the Steeplewoods Development has sufficient capacity to accept relatively minor additional flows.
- The Steeplewoods development is served by a connection to a wastewater pumping station located at the northern edge of Carraig Túr development. This has been designed to accept flows from Steeplewoods, Carraig Túr and Reldare developments and was originally sized to cater for 58 houses. There is currently a spare capacity for 6 houses therefore the proposed 5 house development can be accommodated.
- Construction will be carried out via the construction access predominantly through the Carraig Túr development from Model Farm Road.
- Technical report by CLV Consulting limited recommends that the most practical and effective mitigation measure comprises a 2.4m high concrete block on flat wall along the western perimeter of the site. With this in place the external design ambient noise levels not exceeding 50-55dBL_{Aeq} criteria should be achieved in all development dwelling back garden areas. Design measures for dwellings will ensure achievement of internal noise design criteria. (BS8233 2014. Guidance on Sound Insulation and Noise Reduction for Buildings.)

6.2. Planning Authority Response

The Planning Authority did not respond to the appeal.

6.3. Observations

Submission by Ryan O Donnell 19 Steeplewoods on behalf of himself and 9 other Steeplewoods Residents.

- Notably the noise report was completed in 2019 relating to north-western corner of Carraig Túr and does not consider the potential increase in noise with wider road and slip road forming part of the northern ring road. Assertion that the wall will provide better acoustic attenuation than the berm is not supported by any evidence.
- Surface water drainage issues should be resolved as part of the application .
- Concern arises that the proposed timber frame houses will not match the same quality and finish as block built Steeplewoods houses and may deteriorate over time.
- Suggestion that it is impractical to access the site from Carraig Túr is not supported with evidence of other possible layouts.
- Traffic remains a significant concern. No provision for calming or other measures. Removal or relocation of turning point and visitor spaces may result in parking congestion and reduced accessibility.

7.0 Assessment

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

Land use and transportation,

Density, design, and site layout,

Traffic, access, parking and servicing,

7.2 Land use and transportation

7.2.1 Under the Ballincollig Carrigaline Municipal District Local Area Plan 2017 the site is shown as being within the development boundary around Ballincollig and in an area that is zoned residential. Under the County Development Plan 2014, the N22 to the west of the site is shown variously as a Route Protection Corridor and a Preferred Route (Figure 10.2). Item (a) of the accompanying Transport and Mobility Objective TM 3-1 identifies this Preferred Route as the Cork Northern Ring Road (N22/N20/M8), which is categorised as a Project Critical to the Delivery of Planned Development. This is in accordance with the advice set out in Section 2.9 of the Spatial Planning and National Roads Guidelines, entitled “Protection of Alignments for Future National Roads Projects”). Item (b) of this Objective states the following: “Support and provide for improvements to the national road network, including reserving corridors for proposed routes, free of inappropriate development, so as not to compromise future road schemes.” The Planning Authority’s reason for refusal refers to the material contravention of Objective TM 3-1 and contravention of Section 2.9 of the Spatial Planning and National Roads Guidelines.

7.2.2 I note from the website of the Cork National Roads Office, information posted on 2 February 2021 [Cork North Ring Road – Cork National Roads Office \(corkrdo.ie\)](https://www.corkrdo.ie) that the Cork North Ring Road project is included in Project Ireland 2040 and the National Development Plan 2018-2027. National Strategic Outcome 2 – Enhance Regional Accessibility Road Network stated that the Cork North Ring Road is a complementary scheme to the N/M20 (*Cork to Limerick*) and appraisal for this scheme is to be assessed as the overall transport strategy for the overall metropolitan Cork area. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) has been developed by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council. This strategy takes its lead at national level from the National Planning Framework 2040 and the National Development Plan 2018-2027 and builds on previous transport studies including Cork City Centre Movement strategy, Cork Area Strategic Plan (CASP) and the Cork Metropolitan Cycle

Network. In relation to the current status of the Cork North Ring Road it is outlined that the Cork National Roads Office has requested tender submissions from suitably experienced Technical Consultancy Services (TCS). The TCS will appraise the route and progress the route to Phase 2 of the TII Project Management Guidelines "Route Selection". The TCS will be appointed in Quarter 1 of 2021.

7.2.3 The refusal recommendation arises from the submission of the Cork National Roads Design Office which deems the proposal to be premature on the basis that the lands encroach on the lateral clearances which are to be set aside for the development of a parallel slip road to connect into a grade separated Poulavone Roundabout north of the site. I note that the submission of Transport Infrastructure Ireland to the local authority dated 4th December 2020 made no observations on the proposed development.

7.2.4 The first party has challenged the refusal and outlines the intention that the western boundaries of the proposed development will be defined by a 2.4m high masonry block wall on or inside the line of the eastern edge of the route reservation and the proposal in this regard is shown on site layout plan Drawing No 10001 Rev 2. I consider that the protection of the corridor to ensure that future options remain viable is necessary. I consider that notwithstanding the residential zoning of the site in the LAP, the proposal would materially contravene Objective TM 3-1 of the CDP. Refusal is warranted on the basis that the proposed development could prejudice plans for the design of the N22 Cork North Ring Road scheme. This is consistent with the advice regarding protection of alignments for future national road projects 2.9 of the Spatial Planning and National Roads, Guidelines for Planning Authorities issued by the Department of the Environment Community and Local Government January 2012. Given the strategic importance of the route I am inclined to conclude that the proposed development is premature pending a determination by the Planning Authority or the road authority of a final road layout for the N22 Cork North Ring Road.

7.3 Density, design, and site layout

7.3.1 The proposed density equating to 16 units per hectare is lower than that within the existing Steeplewoods development 17 per hectare and far short of the “Medium A density” is under Objective HOU 4-1 of the CDP, 20 – 50 residential units per hectare. However, the layout is constrained by the site configuration as an elongated strip and by the layout involving extensions to the existing cul de sacs. The location of wayleaves on the site also limits options. On this basis a reduced density would be acceptable. As regards dwelling design the proposal adopts a similar design to the established Steeplewoods houses. I note concern expressed within the observer’s submission that timber frame dwellings would be of a lesser quality than the concrete built Steeplewoods houses. I consider that there is no basis for this assertion. As regards development standards the proposed dwelling houses would be designed to comply with the internal floorspace areas and dimensions set out in Section 5.3 of the Quality Housing for Sustainable Communities: Best Practice Guidelines. Adequate areas of private open space are provided and the layout ensures that conventional separation distances are achievable. Public open space is proposed adjacent to proposed house one enlarging the established public open space area. As regards impacts on established residential amenity I consider that concerns with regard to overlooking are mitigated by way of obscure glazing siting and design. I conclude that, given the context and form of the site, the proposal would be of an appropriate density, design, and layout.

7.3.2 As regards noise impact I note that the Steeplewoods development included a condition requiring that a sound barrier be constructed along the western boundary of the site to a height of 2.4m. Design details to be agreed. I note from the planning report that an earth berm 2.4m high with planting was proposed to comply with this requirement. The grounds of appeal include a report from CLV consulting which outlines that with the construction of a 2.4m high masonry wall of an imperforate construction will mitigate N22 noise levels in line with required standards. Additional house design mitigation in terms of external wall and roof insulation to ensure minimum sound insulation performance is proposed. I note that the submission does not address the issue of the altered context for the established Steeplewoods dwellings. In my view this issue should be clarified in any future application.

7.4 Traffic, access, parking and servicing

7.4.1 I note that the observer's raise concerns with regard to the traffic impact arising from the proposed extension of the existing cul de sac roads. Having regard to the limited scale and nature of the development the level of traffic arising will not be significant and, in my view, can be accommodated. Each dwelling would be served by two off street car parking spaces while three visitor car parking spaces are also provided. I conclude that traffic generated by the proposal can be accommodated satisfactorily on existing roads and that access and parking arrangements would be satisfactory. As regards servicing I note that it is proposed to connect to an existing wastewater pumping station located to the north of the site before discharge to Irish Water sewer network. Application details indicate that there is spare capacity in the design of the pumping station. Water supply network constructed as part of the Steeplewoods development. I note that Irish Water did not report on the application. As regards storm water the proposal involves SUDS measures and on-site soakaways. I note that the drainage division recommended that percolation testing be carried out to confirm feasibility for the proposed SUDS measures. As regards flooding the subject site is not the subject of such risk under the OPW's flood maps.

7.5 Screening for Appropriate Assessment

7.5.1 The site is neither within nor beside a Natura 2000 site. The nearest such sites are the Cork Harbour SPA and the Great Island Channel SAC. The River Lee passes circa 0.5 km to the north of the subject site and it flows into the said Natura 2000 sites. This river would thus be a potential source/pathway/receptor route, however the intervening distance and absence of connectivity negates the same. Having regard to the nature of the receiving environment and the proximity to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below:

Reasons and Considerations

Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January, 2012, and to Objective TM 3-1 of the Cork County Development Plan 2014 – 2020, the Board considered that, as the site lies within the Route Protection Corridor of the Cork Northern Ring Road (N22/N20/M8) which is a Project Critical to the Delivery of Planned Development, the proposal would be premature in advance of the finalisation of the design. Accordingly, to grant permission for this proposal would risk compromising the future design, would fail to preserve the Route Protection Corridor, would materially contravene Objective TM 3-1 of the development plan and would be contrary to the above-mentioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

31 May 2021