



An  
Bord  
Pleanála

## Inspector's Report ABP-310020-21

### Development

The construction of a residential development of 3 detached two-storey dwellings, new site entrance onto St. Finbarr's Park, alterations to existing site entrances at Nos. 18 & 19 St. Finbarr's Park, modifications to existing site boundary treatments and all ancillary site works.

### Location

Site to rear of No. 18 St. Finbarr's Park, The Lough, Cork.

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

20/39421

### Applicant(s)

Waterfront Developments The Lough Ltd

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party -v- Decision

### Appellant(s)

Waterfront Developments The Lough Ltd

**Observer(s)**

John McSweeney

Tom Wallace

Goretti Roche

Aundrea Kidney

Darragh & Kay Taaffe

Mary Murray

**Date of Site Inspection**

16<sup>th</sup> July 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.....	8
5.0 Policy and Context.....	9
5.1. Development Plan.....	9
5.2. National Policy .....	10
5.3. Natural Heritage Designations .....	11
5.4. EIA Screening .....	11
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Planning Authority Response .....	14
6.3. Observations .....	14
6.4. Further Responses.....	22
7.0 Assessment.....	22
8.0 Recommendation.....	33
9.0 Reasons and Considerations.....	33
10.0 Conditions .....	34

## **1.0 Site Location and Description**

- 1.1. The site is located in Cork's south-western inner suburbs in a position to the west of The Lough and between Hartland's Road, to the north-east, and St. Finbarr's Park, to the south-west. The main body of the site is situated within back lands between these two residential streets, where it abuts the ends of rear gardens. It is of regular shape and its remaining north-western and south-eastern boundaries, variously, abut further back lands and the surrounds to The Lough, which include a public footpath and an adjacent children's playground. This part of the site slopes gently downwards from west to east and it is vacant and unused at present.
- 1.2. The minor portion of the site encompasses the curtilages to the adjacent two-storey semi-detached dwelling houses at Nos. 18 & 19 St. Finbarr's Park. The passageways between these two dwelling houses have been combined to provide a vehicular access to the main body of the site to the rear. Part of the front boundary wall has been removed from No. 18 and the entirety of its south-western aspect is open. The dwelling house at No. 19 has recently been extended to the rear by means of two-storey and single storey extensions.
- 1.3. The total site area is 0.31 hectares. The main body of the site is enclosed by means of temporary fencing/hedgerows. The base of two large trees, which have been felled, are evident on the south-western boundary and a closed-up pedestrian gateway forms a feature on the south-eastern boundary. This gateway would have provided access to the site from the above cited public footpath.

## **2.0 Proposed Development**

- 2.1. The proposal would entail the construction of 3, detached, two-storey, four-bed/seven-person dwelling houses ( $217.8 \times 3 = 653.4$  sqm). These dwelling houses would be sited in a slightly staggered row across the centre of the site. They would be of a contemporary design that employs rectangular forms under flat roofs and specifies timber joinery to large, glazed openings. Timber panels would accompany these openings, too, and dark grey render would be the predominant finishing material.

- 2.2. Each dwelling house would be served by a rear garden laid out in the north-western portion of the site. Two parking spaces would be laid out in front of each dwelling house and these spaces would be served by a manoeuvring area and a sweeping shared access road, all of which would be laid out in the south-eastern portion of the site. This road would pass between the two existing dwelling houses and it would be accessed off St. Finbarr's Park at a point close to its junction with an un-named link road between it and Hartland's Avenue to the south-west. Consequential alterations would be made to the layout of the drive-ins that serve these dwelling houses and to their side boundary treatments.
- 2.3. The existing pedestrian gateway to the site would be opened and re-used. A meandering footpath would be laid out on the site to connect it to the proposed dwelling houses. A 2m high timber panel fence would be installed to the site's boundaries, apart from the south-eastern one, where a 0.45m high wall with 1.5m high railings above would be installed. New mixed tree planting would accompany the former boundary treatment and a replacement hedgerow would accompany the latter boundary treatment.
- 2.4. Under further information, the applicant revised the design of the proposed dwelling houses to omit the slightly higher built form at the front. Consequently, the affected parapet height would be reduced by 450mm. Revisions were also made to the proposed access arrangements in the light of Stage 1 & 2 RSAs.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Following the submission of further information, permission was refused for the following reasons:

- 1. Having regard to the existing pattern of development, the established character of the area, as well as to planning guidance in relation to the development of infill housing units as outlined in Paragraph 16.59 of the Cork City Development Plan 2015, the proposed development would, by reason of its inappropriate scale, layout, design, and relationship to dwellings immediately adjoining the site and adjacent AHLV, proposed NHA and designated wildfowl sanctuary, constitute an inappropriate form of development and be visually obtrusive and overbearing in relation to existing dwellings*

*and result in negative impact on the AHLV, proposed NHA and designated wildfowl sanctuary. The proposed development would represent overdevelopment of the site and would therefore seriously injure the residential amenities and depreciate the value of adjacent properties, contrary to the proper planning and sustainable development of the area.*

- 2. The proposed development would endanger public safety by reason of traffic hazard because of the pedestrian and vehicular conflict which it would generate on the access road to the development and the adjoining junction with St. Finbarr's Park.*
- 3. The proposed development would be contrary to the policies and objectives of the Cork City Development Plan 2015 – 2021, including Objective 10.7 and Section 16.128, with regard to protected species and their habitats. It is considered that the proposed application does not comply with the requirements of the above objective and section. 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**

Further information was requested/submitted with respect to the following:

- Due to the scale and mass of the proposed dwellings and their siting close to the eastern and western boundaries of the site and to The Lough, the applicant is requested to:
  - Lessen the impact on the stated boundaries by possibly reducing the number of dwellings to 2,
  - Reinstate native trees along the stated boundaries,
  - Add-in planting along the southern boundary of the site with The Lough, and
  - Cap rear garden pedestrian accesses to Nos. 18 & 19 St. Finbarr's Park at one to each property and site them away from the proposed access road.

- Given the proximity of the site to The Lough:
  - Submit a Visual Impact Assessment (VIA) of the proposal from the southern and eastern paths around The Lough,
  - Submit up-to-date visual images of the site, i.e. as it is now without the former trees upon it, and
  - VIA to be based on any other amendments made as a result of further information.
- Given the proximity of the site to The Lough and the likely negative impact of the proposal upon it:
  - Submit a tree survey of the site depicting trees and hedges prior to their removal and demonstrating the absence of habitat for breeding birds and bats,
  - Submit a bat survey showing that tree removal would not adversely affect this species, along with copies of NPWS derogation licences,
  - Submit a Japanese Knotweed Management Plan for the site and an account of its implementation, and
  - Submit an ecological report on the following:
    - Reference to any rare/protected/annexed species that may be affected by the proposal,
    - Reference to any previous ecological surveys,
    - Evaluation of habitats and species on the site,
    - Assessment of the proposal upon habitats and species on the site and adjacent to it,
    - Mitigation measures incorporated into the proposal, and
    - Local NPWS representative should be consulted.
- With respect to the proposed means of access to the site:
  - Submit a Stage 1/2 RSA, and
  - Submit a Construction Management Plan, which addresses construction traffic.

- Submit a public lighting scheme informed by mitigation measures with respect to the presence of bats.

### 3.2.2. Other Technical Reports

- Irish Water: No objection + Standard observations
- Cork City Council
  - Contributions: General Development Contribution required.
  - Traffic: Regulation & Safety: Following receipt of further information, objection raised – see second reason for refusal.
  - Drainage: No objection, subject to conditions.
  - Urban Roads & Street Design: Following receipt of further information, no objection, subject to conditions.
  - Natural Heritage: Following receipt of further information, objection raised for the following reason: “This application is premature subject to clarification from the NPWS of whether an offence under the EU Habitats Directive with respect to bats has taken place.”
  - Environment Waste Management & Control: Following receipt of further information, no objection, subject to conditions.

## 4.0 Planning History

- 00/24746: Outline for 7 dwellings + access entailing partial demolition of No. 20 St. Finbarr’s Park: Refused.
- 02/26410: Outline for 3 dwellings: 1 one-and-a-half storey dwelling permitted at appeal (PL28.202604).
- 08/33579: 4 detached two-storey dwellings + access entailing partial demolition of No. 18 St. Finbarr’s Park: Refused on the grounds of inadequate access for the scale of development, access/alterations would injure amenity/depreciate value, and new dwellings would injure amenity.
- 09/33947: 4 detached two-storey dwellings + access entailing partial demolition of No. 18 St. Finbarr’s Park: Refused at appeal (PL28.235522) on



the grounds of loss of streetscape/visual amenity and environmental impact upon residential amenity of development of backland site.

- 19/38610: 3 detached two-storey over basement dwellings + new access and alterations to the existing accesses to Nos. 18 & 19 St. Finbarr's Park: Refused on the grounds of visual obtrusion/overlooking, loss of streetscape/visual amenity, and environmental impact upon residential amenity of development of backland site.
- 19/1574: Part V Certificate of Exemption to shadow the current proposal.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site lies within an area zoned ZO 4, residential, local services and institutional uses, wherein "The provision and protection of residential uses and residential amenity is a central objective".

To the south east of the site lies The Lough, which the CDP designates as an area of high landscape value.

Paragraph 16.59 addresses infill housing as follows:

*To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:*

- *Not detract from the built character of the area;*
- *Not adversely affect the neighbouring residential amenities;*
- *Respect the existing building line, heights, materials and roof profile of surrounding buildings;*
- *Have an appropriate plot ratio and density for the site;*

- *Adequate amenity is proposed for the development.*

The Lough is a pNHA and a wildfowl sanctuary. Objective 10.7 addresses designated areas and protected species as follows:

- To protect, enhance and conserve designated areas of natural heritage and biodiversity and the habitats, flora and fauna for which it is designated;*
- To protect, enhance and conserve designated species and the habitats on which they depend;*
- To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Appropriate Assessment Screening to ensure there are no likely significant effects on the integrity (defined by the structure and function) of any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. When a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed imperative for reasons of overriding public interest, all in accordance with the provisions of Article 6(3) and 6(4) of the EU Habitats Directive.*

Under the heading of Natural Heritage, Paragraph 16.128 states the following:

*A detailed ecological report carried out by a suitably qualified expert shall accompany all developments for proposals involving:*

- The culverting, diverting, undergrounding or alteration to the banks of streams/rivers or impacting on water quality. These proposals shall be referred to the South Western Regional Fisheries Board (SWRFB) for comment; See Chapter 10 (paragraphs 10.50-10.57);*
- Areas containing or used by protected habitats, flora and fauna. These proposals shall be referred to the National Parks and Wildlife Service for comment as appropriate. The mitigation measures and monitoring recommendations from all EIS and ecological reports should be carried out with the approval of, and to the satisfaction of, the Local Authority. See Chapter 10 (paragraph 10.47).*

## 5.2. National Policy

- Sustainable Residential Development in Urban Areas Guidelines

- Quality Housing for Sustainable Communities: Best Practice Guidelines
- Design Manual for Urban Roads and Streets (DMURS)

### 5.3. **Natural Heritage Designations**

- Cork Lough pNHA (001081)

### 5.4. **EIA Screening**

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 3 dwelling houses on a site with an area of 0.31 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The applicant begins by describing the site and its location. It proceeds to cite the Board's previous decision (PL28.235522) and to discuss the changes that have occurred since then. Thus, while the applicant already owned No. 18 St Finbarr's Park, it has acquired, in the interim, No. 19 St. Finbarr's Park, and so the opportunity to provide an access between the dwelling houses at Nos. 18 and 19 now exists. This access would comply with DMURS, which was adopted since the Board's previous decision. Tree felling, on health and safety grounds, has occurred on the site with the agreement of affected neighbours.

The applicant critiques the case planner's report on several grounds. Thus, it fails to give sufficient weight to the separation distances that would be achieved between

existing and proposed dwellings, and screening that would be afforded by the retention and addition of predominantly native planting. The applicant also draws attention to the Planning Authority's request that its proposal be reduced from 3 to 2 dwellings and its reasoning for not acceding to this request.

The following grounds of appeal are cited:

- Procedural
  - Attention is drawn to the Board's reasons for refusal (PL28.235522) and to the advice of the Development Management Guidelines that such reasons be the substantial ones so that applicants can be properly informed in their response to being refused permission. By contrast, the Planning Authority sought, under further information, to raise new issues pertaining to the proximity of the site to The Lough, an area of high landscape value (AHLV) and a pNHA. The applicant submitted a VIA and EcIA, which serve to allay any concerns that the proposal would adversely affect The Lough. Indeed, as a brownfield site, the proposed redevelopment, which would entail considerable planting, would add to its ecological value, e.g. for foraging bats. Likewise, any disturbance to wildfowl needs to be considered in the context of the adjacent children's playground and the recreational use of The Lough to which wildfowl are habituated. Accordingly, the concerns in these respects, articulated in the Planning Authority's reasons for refusal, are misplaced.
- Traffic hazard
  - The proposed means of access would be a 4.8m wide shared surface road, which would be capable of accommodating refuse/emergency vehicles. The design of this road was informed by a RSA and it would comply with DMURS. An alternative means of pedestrian access would be available via an existing gate onto the public footpath around The Lough. Any conflict with vehicles could thereby be avoided.
  - The Planning Authority effectively accepts that 2 dwellings could be provided on the site: Its, in principle, critique of the shared surface access road is thereby undermined.

- Protected species
  - In January 2020, 4 substantial Monterey Cypresses were felled. Prior to felling, these trees were assessed by an arborist, who concluded that they needed to be felled on safety grounds. Felling ensued, prior to the bird breeding season.
  - The said trees were not the subject of TPOs. The Planning Authority's Natural Heritage Officer questions whether they were assessed with respect to bats. However, other questions relating to health and safety and threat to property should have been asked, too.
- National Planning Framework (NPF)
  - The Planning Authority did not cite the NPF, which promotes compact urban settlements and the provision of 50% of all new dwellings within the existing footprints of the five cities and suburbs of the state, including Cork.
- Southern Regional Assembly Regional Spatial and Economic Strategy 2020 (SRA RSES)
  - The Planning Authority did not cite the SRA RSES, which envisages that Cork City and suburbs will have a growth rate of 50 – 60% up to 2040.
- Urban Development and Building Height (UDBH) Guidelines
  - These Guidelines advocate that suburban sites be developed to provide buildings of at least three to four storeys.
- Streetscape and amenity considerations
  - The proposed access would be accommodated satisfactorily within the streetscape of St. Finbarr's Park.
  - The proposal would be for 3 rather than 4 dwellings, as previously proposed under PL28.235522. With the prospect of evermore hybrid/electric cars, environmental impact concerns arising from the introduction of cars to what is a backland site would progressively diminish. Likewise, the curved alignment and two-lane design of the

access road would ensure low speeds and the minimal need for vehicles to wait to pass one another.

- The residential zoning of the site accords with the NPF and RSES. Under the UDBH Guidelines, the proposal would be a modest one, which would respect existing residential amenities: Indeed, the need for the amendments brought forward under further information is open to question and so the Board is requested to consider the proposal as originally submitted, too.
- Failure to grant permission would prolong the frustrated zoning objective for the site and it would risk the continuation of dereliction and anti-social behaviour on this site.

## **6.2. Planning Authority Response**

The Planning Authority stands over its decision and it has no further comments to make.

## **6.3. Observations**

**(a) John McSweeney** of Arbutus, Hartland's Road, The Lough, Cork

- Traffic hazard
  - Confusion exists over the proposed means of access: Would it be a shared driveway or a local street? If the latter, then it would not comply with DMURS.
  - Under further information, submission of a RSA was requested, but it was not subsequently forthcoming.
  - The design of the proposed means of access would be inherently hazardous as there would be no pedestrian refuge.
  - The submitted auto track does not show vehicular movements to the revised access/egress arrangements to the dwellings at Nos. 18 & 19 St. Finbarr's Park.

- The above issues would not be resolved by a reduction from 3 to 2 in the number of dwellings proposed.
- Pedestrian access
  - The pedestrian access to the site from The Lough has not been used for over 20 years. Formerly, it was the subject of occasional leisure use. Its proposed re-use as a dedicated primary pedestrian access would be inappropriate, as it would be from a recreational public footpath rather than a public road.
  - Nevertheless, pedestrian access would be more likely to be via the proposed means of access from St. Finbarr's Park, due to its convenience and public lighting, which is critiqued in this respect above.
  - On-site, the proposed footpath would be of limited utility, except for accessing dwelling No. 3, i.e. the more convenient route to dwellings Nos. 1 & 2 would be by the shared surface means of access.
- Streetscape and amenity
  - The proposal would result in narrower front and rear gardens to Nos. 18 & 19 St. Finbarr's Park and to the provision of only 1 car parking space at each of these properties.
  - The proposed means of access would pass between the dwellings at Nos. 18 & 19 St. Finbarr's Park resulting in dis-amenity to the same from noise and disturbance.
- Local environment
  - Under 09/33947, bat activity on the site was detected. The arborist who assessed the trees recently felled on the site may not have been a bat expert. Any displaced bats should be provided for. In this respect, the erection of proposed boundary fencing may endanger the roots of existing mature hedging.
  - Under 09/33947, Japanese knotweed was identified: Some still persists on the site and should be contained/removed as a priority.

- Layout, scale, size, bulk, density, and character
  - Notwithstanding the further information amendments to the proposal, it would still be for 3 large volume staggered dwellings that would overshadow existing residential properties to the east and to the west and which would require an inordinate amount of planting to screen from The Lough. Over-development and depreciation in property values would ensue.
  - Notwithstanding the request under further information to increase the separation distances between the proposed dwellings and the eastern and western boundaries, no increases were forthcoming. Likewise, these dwellings would remain out of scale and character with existing dwellings in the area.

**(b) Tom Wallace** of Avonree, Hartland's Road, The Lough, Cork

- Site background
  - Changing ownership and planning history of the site are recounted. Loss of limestone wall and thorn hedge along southern boundary with The Lough 16 years ago would only under the proposal be properly reinstated.
- Proposed access road and its non-compliance with DMURS
  - Attention is drawn to the differing terminology used by the applicant in its appeal statement to refer to the proposed means of access.
  - Attention is also drawn to DMURS's road types: The applicant has selected a shared carriageway road type with a width of 4.8m. This road type has no road markings and it is not intended for use by pedestrians. Even so, as submitted, it would have a pinch point of 4.075m and so it would not be compliant.
- Access road safety concerns
  - The observer anticipates that the proximity of the proposed access to the revised access arrangements for Nos. 18 & 19 St. Finbarr's Park would lead to these drive-ins being accessed in forward gear and egressed in



reverse gear. The latter movements would be hazardous, so close to the proposed access and the existing “T” junction on St. Finbarr’s Park.

- The use of the aforementioned drive-ins would have adverse implications for visibility at the proposed access, which would be compounded if their sides adjoining this access were to be enclosed by hedges.
- Additional hazard with relationship of the main junction giving access to St. Finbarr’s Park and its interaction with the proposed means of access
  - Attention is drawn to the 5m separation distance between the proposed access and the “T” junction on St. Finbarr’s Park. Vehicles accessing the site from this junction would turn left and then immediately right, a staggered manoeuvre that is recognised to be inherently hazardous. Normally 20m is required to relieve such hazard.
  - Attention is also drawn to the potential for multiple conflicts between road users when the proposed access is being egressed and a vehicle, such as a refuse truck, is seeking to gain access.
- Proposed alternate pedestrian/access way
  - The pedestrian access from The Lough crosses public land. It has not been used in over 20 years and, since it has not been registered as a private right of way, it has been extinguished. Reliance upon this access is thus misplaced.
  - The proposed meandering footpath on the site would not conform to any likely desire line. Its gradient, and hence useability, is unclear. The greater convenience and illumination of the proposed vehicular means of access would result in its default pedestrian use.
- House massing
  - The site is an infill one rather than a brownfield one. The massing of the proposed dwellings and their siting close to The Lough would result in over-development.

- Tree felling and ripping out hedges
  - The Monterey Cypresses were previously identified as being possible roosts for bats. The observer alleges that they began to be cutdown on 9<sup>th</sup> March 2020. Further removal of hedging along the western boundary is alleged to have happened in May 2021.
- Loss of amenities
  - Existing dwellings would suffer a loss of amenity and depreciation in their value, especially Nos. 18 & 19 St. Finbarr's Park.
  - A different future for the site is sought, with acquisition by Cork City Council contemplated.

**(c) Goretti Roche** of 13 St. Finbarr's Park, The Lough, Cork

- Traffic management and site access
  - The proposed access would be sited close to a busy junction and opposite a stretch of St. Finbarr's Park where on-street parking occurs. Its use would thus be hazardous.
  - The proposed access would entail the lowering of boundary walls to Nos. 18 & 19 St. Finbarr's Park, which would spoil the local streetscape.
  - The proposed means of access would be sub-standard due to the absence of footpaths and streetlighting, additional pedestrian accesses to it from the rear of Nos. 18 & 19 St. Finbarr's Park, the loss of parking from these properties, and the consequent increase in on-street parking. The risk also exists that this access would become a venue for anti-social behaviour.
- Pedestrian access onto The Lough
  - Attention is drawn to the inspector's previous report (PL28.235522) wherein the proposed use of the historic pedestrian access from The Lough as a dedicated one for 4 dwellings rather than secondary one for 1 dwelling was critiqued. This critique remains relevant for the proposed 3 dwellings.

- Reduction of amenity to Nos. 12 – 20 St. Finbarr's Park (inclusive)
  - Privacy and noise nuisance would ensue.
- Re. No. 13 St. Finbarr's Park
  - The western elevation of proposed dwelling No. 1 would be overbearing from within the observer's residential property, and it would obstruct direct sunlight.
  - The persistence of Japanese knotweed on the site poses a threat to the area so a plan for its eradication is needed.
- Architect's report and drawings
  - Insufficient details of boundary treatments to the site have been submitted.
- Lack of eco-study
  - The proposal would have adverse impacts upon The Lough insofar as it would result in greater activity on-site, a reduction in soakage/increase in run-off, and noise, fumes, and light spillage from traffic.
  - The site has been neglected for over 20 years and its state has detracted from The Lough. It should be redeveloped to replace the bungalow that it formerly accommodated, thereby avoiding the access and amenity issues raised by more intensive development.

**(d) Aundrea Kidney** of Beltra, 15 St. Finbarr's Park, The Lough, Cork

- Traffic, access and parking concerns expressed by the above observers are reiterated.
- Concerns over the proposed use of the pedestrian access from The Lough expressed by the above observers are reiterated.
- Re. No. 15 St. Finbarr's Park
  - Parking for proposed dwelling No. 1 would be adjacent to the rear garden of the observer's property and so it would be affected by any dis-amenity from ensuing usage.

- The western elevation of proposed dwelling No. 1 would be overbearing, and it would lead to overshadowing of and a loss of direct sunlight to the observer's rear garden.
- Roof gardens
  - Concern is expressed that, in the future, the proposed roof gardens would become accessible, and their use would result in overlooking/loss of privacy.
- Size and design of the proposed dwellings
  - Notwithstanding reassurances to the contrary, the proposed dwellings would be capable of future sub-division in association with renting.
  - Contrary to the CDP's approach to infill development, the proposal would, due to their scale, massing, and flat roof form, be out of character with existing dwellings.
- Retention permission granted to 18/37987 for No. 19 St. Finbarr's Park
  - Conditions nos. 3 & 4 attached to this permission relate to reinstatement of the entrance to this property and the use of land to the rear of the dwelling: The current proposal would be in conflict with these conditions.
- Fire hazard
  - The proximity of the proposed dwellings to the observer's property would pose a fire risk and whether adequate access would be available for a fire engine is questioned.
- Bins
  - The adequacy of bin collection arrangements is questioned.
- Lighting
  - The adequacy of proposed external lighting on the site is questioned.
- Nos. 18 & 19 St. Finbarr's Park
  - Under the proposal, parking for these properties would be reduced to 1 car space each and their contribution to the streetscape would be spoiled.

- Japanese knotweed
  - This alien species persists on the site and to the observer's knowledge no licenced operation for its removal has taken place.
- Tree loss
  - The felling of Monterey Cypress trees on the site has, allegedly, displaced bats. Replacement planting would not be commensurate with that which has been lost.

**(e) Darragh & Kay Taaffe** of 22 St. Finbarr's Park, The Lough, Cork

- Traffic, access and parking concerns expressed by the above observers are reiterated. The observers also contest the description of St. Finbarr's Park as lightly trafficked, as it is used by city centre bound vehicles avoiding the signalled junction between Hartland's Avenue and Glasheen Road.
- Concerns over the proposed use of the pedestrian access from The Lough expressed by the above observers are reiterated.
- Attention is drawn to the advice of the Natural Heritage Officer. Attention is also drawn to the submitted Tree Survey, the submitted Ecological Impact Assessment (EclA), and a previous Ecological Report (09/33947). The latter Report specifically cited the potential of the Monterey Cypress trees for roosting bats. This Report and the Tree Survey were available prior to the felling of these trees. The EclA fails to reference the earlier Ecological Report in stating that "there are no available records of Bat Surveys having been carried out inside the proposed development footprint."
- Loss of ecological value on the site is directly attributable to the works undertaken to the site to remove the said tree, hedges, and the disturbance of soil.

**(f) Mary Murray** of 14 St. Finbarr's, The Lough, Cork

- Traffic, access and parking concerns expressed by the above observers are reiterated.
- Concerns over the proposed use of the pedestrian access from The Lough expressed by the above observers are reiterated.

- The applicant's neglect of the site is alleged to have contributed to the need to fell the Monterey Cypress trees in their entirety.
- The proposed boundary fence should be re-specified as a blockwork wall with any buttressing on the inside of the site.
- Concerns over Japanese knotweed cited above by observers are reiterated.
- Concerns over residential amenity cited above by observers are reiterated.

#### 6.4. Further Responses

None

### 7.0 Assessment

7.1. I have reviewed the proposal in the light of national policy, the Cork City Development Plan 2015 – 2021, 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) Land use, density, and transportation,
- (ii) Development standards,
- (iii) Visual and residential amenity,
- (iv) Traffic, access, and parking,
- (v) Ecology,
- (vi) Water, and
- (vii) Appropriate Assessment.

#### **(i) Land use, density, and transportation**

7.2. Historically, the main body of the site accommodated a bungalow. This site is vacant and unused at present and it is surrounded by residential streets and The Lough, a wildfowl sanctuary and recreational area, lies to the south-east. Under the Cork City Development Plan 2015 – 2021 (CDP), the site lies within an area zoned ZO 4, residential, local services and institutional uses, wherein "The provision and protection of residential uses and residential amenity is a central objective".

Accordingly, there is no in principle land use objection to the development of the site for a resumed residential use.

- 7.3. The overall site has an area of 0.31 hectares. Under the proposal, this site would include the 3 proposed dwelling houses and the two retained dwelling houses at Nos. 18 & 19 St. Finbarr's Park. Five dwelling houses would thus feature and so a density of 16.13 dwellings to the hectares would be exhibited by the proposal.
- 7.4. Under the Sustainable Residential Development in Urban Areas Guidelines, the site is located within inner suburbia and it lies in an infill (backland) position. Relevant advice on density recommends that "In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill." This site is also conveniently placed for bus services that run along the Lough Road and Glasheen Road, i.e. Bus Eireann's No. 214, which runs at 20-minute intervals between Glanmire via the city centre to the Wilton Roundabout, and No. 216, which runs at 30-minute intervals between Monkstown via the city centre to the Wilton Roundabout. Under the Guidelines, sites that are accessible to public transport should be developed to achieve minimum net residential densities of 50 dwellings per hectare.
- 7.5. Under Section 16.41 of the CDP, inner suburban sites should be developed to densities of 35 – 50 dwellings per hectare. The Planning Authority considered the proposal in the light of these densities. It noted that the site is constrained by the access available to it and also by residential amenity and ecological considerations arising from its context. It thus considered that a lower density than that prescribed by Section 16.41 should be acceded to, indeed, under further information, it invited the applicant to reduce its proposal from 3 new dwelling houses to 2. The applicant did not accept this invitation and the Planning Authority's first reason for refusal critiques the proposal on the grounds of over development.
- 7.6. The planning history of the site indicates that proposals for 7 or 4 new dwelling houses on the main body of the site were unsuccessful on access grounds or associated streetscape grounds. Under these proposals, access would have been obtained either by means of No. 20 or No. 18 St. Finbarr's Place. Under the current

proposal, access would be by means of the gap between the dwelling houses at Nos. 18 & 19 St. Finbarr's Place. I discuss this access under the fourth heading of my assessment and, while I conclude that it would be acceptable for use in conjunction with the proposed 3 dwelling houses, I recognise that it would be unsuitability for a significantly higher number of dwelling houses. I, therefore, accept that access is a constraint upon the achievement of higher density development on the site. Likewise, the proximity of adjacent existing dwelling houses to the north-east and south-west and the site's open aspect towards The Lough mean that the above cited advice of the Guidelines on striking a balance between amenity, character, and development is pertinent.

- 7.7. I conclude that the proposal would, under the zoning of the site, be appropriate from a land use perspective and its density, though low, would not warrant objection due to, in particular, the constraints upon the proposed site access.

#### **(ii) Development standards**

- 7.8. The proposal is for the construction of 3 dwelling houses, each of which would provide four-bed/seven-person accommodation over a floorspace of 217.8 sqm. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, this floorspace and its associated disaggregation between living and bedrooms would be in excess of the relevant minimum recommended areas and widths. Each dwelling house would be served by a rear garden. These would vary in area between 154, 173, and 245 sqm.
- 7.9. The proposed dwelling houses would be detached, and they would be laid out in a slightly staggered row with their front and rear elevations facing, virtually south and north, respectively. Each dwelling house would have a deep plan. Light penetration would be facilitated by extensive glazing in the front and rear elevations and the centrally siting of a courtyard and a lightwell to the kitchen and first floor circulation area. The applicant's Architectural Statement comments further on the internal layouts of the dwelling houses to the effect that they would be open plan and the sliding doors to the front, side, and rear would allow for a greater connection between the interior and exterior realms. It adds that there is no intention that they be sub-divided in the future – a concern of observer (d).



7.10. I conclude that the proposed dwelling houses would afford a satisfactory standard of amenity to future residents.

**(iii) Visual and residential amenity**

7.11. The main body of the site is the subject of a gentle downwards gradient from the north-west to the south-east. Under the proposal, some cut n' fill would occur, as illustrated by Section B-B (drawing no. 190202-RFI-05) and Sections L1 – 4 (drawing no. L200 revision B). Consequently, the split-level FFLs of the proposed dwelling houses would be consistent with one another and they would be higher than the adjacent bungalow ("Arbutus" on Hartland's Road) to the east and lower than the adjacent two-storey dwelling house (No. 14 St. Finbarr's Park) to the west (Site Section A-A on drawing no. 190202-RFI-01). This Section shows the parapet height of the revised dwelling houses as being 106.45m OD, whereas the eaves and ridgeline of the bungalow would be 102.35m and 105.05m OD and the eaves and ridgeline of the dwelling house would be 107.46m OD and 110.82m OD. The relevant separation distances between proposed side and existing rear elevations would be 24m and 25m, respectively.

7.12. The proposed dwelling houses would be of contemporary design that employs rectangular forms under flat roofs. The side elevations that would present to the west north-western (WNW) and east south-eastern (ESE) site boundaries would be 15.29m long (plus a further 2m set back by 3.35m). The mass of these rectangular elevations would be eased by the insertion, in a roughly central position, of an expanse of timberwork and glazing behind timber bars to high-level kitchen and bathroom/en-suite windows. These elevations would be accompanied by 2m high timber fencing and tree planting along the adjacent site boundaries. In the case of the western side elevation, the change in levels across the adjacent site boundary would be in favour of the neighbouring rear garden to No. 14 St. Finbarr's Park.

7.13. While observers raise concerns with respect to overlooking and a consequent loss of privacy, I consider that the proposed dwelling houses as described above would not give rise to any appreciable overlooking. Some observers raise the further concern that the specified green roofs may mean that, in the future, these roofs could be used as roof terraces. I note in this respect that the dwelling houses would not be designed to afford ease of access to their roofs and that a condition could be

attached to any permission requiring that access to these roofs be for their maintenance only.

- 7.14. Observers express concern that the proposed dwelling houses would lead to overshadowing of adjoining residential properties. I note in this respect that the height of these dwelling houses and their separation distances from the aforementioned bungalow and two-storey dwelling house would be such that undue overshadowing would not affect them. (Rear gardens would be affected to a degree in the evenings to the east and in the mornings to the west). Likewise, lighting levels to existing dwelling houses would be maintained to a satisfactory extent.
- 7.15. The Planning Authority's first reason for refusal critiques the proposal on the basis that it would be "visually obtrusive and overbearing in relation to existing dwellings". The applicant has responded to this critique by drawing attention to the Urban Development Building Height Guidelines, which state that three – four storey buildings heights should be accepted in principle within the suburbs. Viewed in this light, the proposal, which would be for only two-storeys, would be a modest one. In this respect, the applicants request that the Board consider its original design, which comprised a slightly higher element to each of the proposed dwelling houses.
- 7.16. I have noted above that the mass of the side elevations of the dwelling houses that would present to the ENE and WSW site boundaries would be eased by their design and attendant boundary treatments. I note, too, that the relevant separation distances would be generous for inner suburbia and so they would ameliorate the visual impact of the length of these elevations.
- 7.17. The Planning Authority's first reason for refusal also cited the "negative impact" of the proposal upon The Lough. The south-eastern boundary of the site abuts the perimeter of the landscape edge to The Lough. This boundary runs at a diagonal and so the siting of the proposed dwelling houses would be between 22.8m and 38m back from it. These split-level dwelling houses would have a lower FFL of 99.90m OD, which would be appreciably higher than the adjacent public footpath, which is typically between 97.5 and 97.7m OD. The applicant proposes to enclose the boundary with a wall and railings, behind which a native hedgerow and trees would be planting.

- 7.18. Under further information, the applicant submitted photomontages of the proposal taken from public vantage points around The Lough. These photomontages have been utilised in an accompanying Landscape and Visual Assessment Report, which concludes that the proposal will not cause significant harm or injury: Instead, it will have a positive impact on The Lough as an area of high landscape value.
- 7.19. During my site visit, I observed that the built context of The Lough is not static, but it is continuing to change, e.g. modern four/five storey buildings are under construction to the north, behind existing two-storey dwelling houses. The proposal would entail the insertion of 3 modern dwelling houses into a backland site that is clearly visible from public vantage points around The Lough. These dwelling houses would thus be clearly visible, too, especially in advance of landscaping maturing within their grounds. The applicant has specified a dark grey render as the finishing material along with timberwork as an ancillary finishing material, e.g. in panels and in external joinery. These finishes would “dampen-down” the resulting visual impact.
- 7.20. I have reviewed the original and revised designs of the proposed dwelling houses. As originally submitted, the projecting element on each front elevation would be slightly higher (550mm) than the remainder of each dwelling house. Aesthetically, the effect of thus distinguishing this element would be to lift each front elevation and improve its proportions. Under further information, the applicant sought to respond to neighbours’ residential amenity concerns by lowering this element so that it would be indistinguishable in its height. As the projecting elements would be set back from the ENE and WSW boundaries of the site, this revision would have a negligible effect on such amenity. It would, however, dilute the aesthetic appeal of the proposal. I therefore consider that the applicant’s request that it should be reinstated is one that can be acceded to.
- 7.21. Observers express concern over the environmental impact of introducing vehicles to the backland site. The applicant has responded to this concern by drawing attention to the increasing incidence of electric cars and the attendant omission of fumes and noise. The proposed boundary treatments would mitigate the nuisance factor of any light spillage from car headlights.
- 7.22. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

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

- 7.23. The proposed 3 dwelling houses would generate vehicular and pedestrian traffic. Under the proposal, a new access to the main body of the site would be provided via the gap between the corresponding side elevations of the dwelling houses at Nos. 18 & 19 St. Finbarr's Park. (A historic pedestrian access from the public footpath around The Lough would be re-opened, too). A new access point would be formed with the nearside footpath and carriageway to St. Finbarr's Park. The footprint of the proposed means of access would encroach upon the front drive-ins to these two dwelling houses and so replacement drive-ins would be provided within their retained front gardens. This means of access would extend to the rear of the curtilages to the dwelling houses on a straight alignment. Thereafter, it would curve into the main body of the site and terminate in a hammerhead, which would facilitate access/egress to each of the pairs of parking spaces that would accompany the proposed dwelling houses.
- 7.24. The applicant's Architectural Design Statement and its Engineering Services Report, both describe the proposed means of access as a share surface, which would be categorised as a "local street" under the taxonomy of the Design Manual for Urban Roads and Streets (DMURS). This access would be a maximum of 4.8m in width and, as revised, it would narrow to a pinch point between the above cited gap, within which it would have a width of 4.075m. Accordingly, whereas elsewhere it would be of two-lane width, at this point it would reduce to one lane.
- 7.25. The applicant's Engineering Services Report also explains the rationale for the sightlines that would be available at the proposed access point. It refers to a speed survey that that was carried out on St. Finbarr's Park, which indicated a maximum 85<sup>th</sup> percentile speed of 27 kmph. It refers, too, to Table 4.2 and Figure 4.63 of DMURS in its inference that sightlines with x and y dimensions of 2.4m and 20m would be acceptable. In this respect, a raised access ramp would be specified to ensure the availability of the necessary sightline over front garden boundary walls and pillars (Section 3-3 on drawing no. K439-OCSC-XX-XX-DR-C-0005 revision C02).

- 7.26. Under further information, the applicant reports that a Stage 1/2 RSA of the proposed means of access was undertaken and its recommendations incorporated in revisions to the proposal. Regrettably, the RSA was not submitted, but the letter of 26<sup>th</sup> February 2021 from the applicant's architect does specify some of these revisions. Principal amongst them is the greater reliance that would be placed on the re-opened pedestrian access from the footpath around The Lough.
- 7.27. Observers are highly critical of the proposal from traffic and access perspectives. They draw attention to the proximity of the proposed access point to the existing "T" junction between the two arms of St. Finbarr's Park, i.e. that which runs south from Glasheen Road and that which runs west to Hartland's Avenue. They anticipate congestion and hazard resulting from this proximity and the incidence of on-street parking along St. Finbarr's Park. They also draw attention to the applicant's reliance upon the proposed re-opened pedestrian access and they question whether a right of way persists in this respect from the public footpath around The Lough and whether in practise it would be used, appreciably, instead of the proposed shared access from St. Finbarr's Park.
- 7.28. During my site visit, I observed that during mid-morning on a Friday there was a high incidence of on-street parking along both arms of St. Finbarr's Park. I observed, too, that this parking was regulated by the denoting of parking spaces on the first of the aforementioned arms, and by 2-hour disc parking, which operates between 08.30 and 18.30 on Mondays to Saturdays. These parking spaces are laid out, alternatively, on either side of the carriageway and so they form a chicane that ensures low vehicle speeds. The second of the aforementioned arms has parking along its southern side leaving one lane free for passing traffic. Within this context of narrow carriageways, on-street parking, and low traffic speeds, I do not consider that the proximity of the proposed access point to the existing junction highlighted by observers would in practise add appreciably to congestion and hazard along St. Finbarr's Park. Likewise, the revised access/egress arrangements for Nos. 18 & 19 would effectively replicate vehicle manoeuvres already attendant upon these residential properties.
- 7.29. During my site visit, I also observed the pedestrian access to the site from the public footpath around The Lough. I recognise the utility of this access for those walking, for example, to the city centre. I recognise, too, that, as observers point out, pedestrians

could use the proposed shared access and that they would be likely to do so if they are heading to destinations to the north-west of the site.

- 7.30. The Planning Authority's second reason for refusal expresses the concern that the proposal would give rise to pedestrian and vehicle conflict on the proposed means of access. However, if this access is laid out as a shared surface with finishing materials signalling such status, then, given the limited number of vehicular and pedestrian movements that would be generated by the proposed 3 dwelling houses, I consider that the scope for conflict would be limited and so related safety concerns can be reasonably set aside.
- 7.31. In the light of the foregoing paragraph, use of the shared surface by pedestrians would not be objectionable and so reliance upon the re-opening of the pedestrian access from the public footpath around The Lough would be desirable rather than essential.
- 7.32. I conclude that vehicular and pedestrian traffic generated by the proposal would be capable of being satisfactorily handled by the proposed access arrangements for the site.

#### **(v) Ecology**

- 7.33. The site adjoins the Cork Lough pNHA (001081) to the south-east. This pNHA is a Wildfowl Sanctuary (WFS-12). It is also a popular recreational area. A public information board, sited adjacent to the site, provides information on local bat species.
- 7.34. Under further information, the applicant submitted a Tree Survey of Monterey Cypress trees dated 7<sup>th</sup> January 2020 and an Ecological Impact Assessment (EclA) of the site dated December 2020. Between these two dates the 4 Monterey Cypress trees were felled, as recommended by the arborist, on public safety grounds. In each case, he states that he climbed the tree and found no evidence of any bat roosts.
- 7.35. The EclA addresses bats, amongst other fauna and flora. It accepts that, insofar as it draws upon a walkover survey undertaken on 6<sup>th</sup> November 2020, a bat activity survey was not undertaken, as at this time of year bats hibernate. Instead, other sources are drawn upon, in its commentary upon bats. Thus, the National Biodiversity Data Centre's database of wildlife records for the 1-km square (W6670), which contains the site, was interrogated, along with its data on the suitability of

habitats for bats, which yielded a score of moderate-to-high. The database records 5 species of bat for W6670, 4 of which would be likely to forage along hedgerows and treelines. The EclA concludes that the hedgerows along the site boundaries “can be expected to experience some degree of bat activity (foraging and commuting) after sunset from spring to autumn.”

- 7.36. Under the proposal, the existing hedgerows along the northern and eastern boundaries would be retained and trimmed in conjunction with installation of fencing. The hedgerow on the southern boundary would be removed and replaced in conjunction with the construction of a wall and railings. The western boundary would be planted with a new hedgerow and trees would be planted elsewhere within the site. The EclA states that this retention and replacement/new planting would “represent an improvement in terms of the site’s ecology” and it would “represent a commitment to maintain and improve the integrity of existing bat foraging/commuting corridors.” Under the proposal, too, the means of access would be illuminated by lighting that would be designed with bats in mind, i.e. it would avoid light spillage onto hedgerows.
- 7.37. The Planning Authority expresses several ecological concerns with the proposal and the applicant’s EclA. These are expressed in the third reason for refusal. Drawing upon the case planner’s report, they relate specifically to the following: whether the arborist was qualified to ascertain the presence of bat roosts or not, the absence of a recent bat survey of the site from prior to the felling of the Monterey Cypress trees, and the failure to reference a previous ecological report of the site, which was submitted under application 09/33947 and appeal PL28.235522. This latter report is entitled “Habitat and Bat Surveys of Site at Rear of No. 18 St. Finbarr’s Park, The Lough, Cork” and it is dated October 2009. It comments on bats with respect to the main body of the site are summarised below.
- 7.38. A bat survey detected “very low levels of activity alongside the Monterey Cypress trees but increased records along the eastern and southern boundaries of the site”. While no bat roosts were identified on the site, the Monterey Cypress trees were identified as potential roosting sites. The corresponding recommendation was made that “Prior to the removal of the Monterey Cypress trees, a further bat survey to determine whether the trees are being used as a roost by bats. Works should be timed for the period 1<sup>st</sup> October to 1<sup>st</sup> May to avoid the period when bats may have

young. A qualified ecologist is to be present during tree felling in case any bats are found during the felling operations.”

- 7.39. I note that the above recommendation was not followed in the felling of the trees, although the felling itself appears to have occurred within the stated period. I note, too, that the Planning Authority’s in-house ecological advice raised objection on the basis that “The application is premature subject to clarification from NPWS of whether an offence under the EU Habitats Directive with respect to bats has taken place.” In this respect, the Development Management Guidelines advise that the planning system is a discrete one and it should not be used to uphold other legal codes that have their own policies and procedures to follow. The trees in question were not the subject of TPOs and so whether their felling was an offence under the EU Habitats Directive is for the NPWS to address, as appropriate.
- 7.40. The applicant’s EclA reports that during the walkover survey of the site Japanese Knotweed was not detected. Observers state that it has been present on the site and may still be. The EclA, therefore, adopts a precautionary approach and makes a series of recommendations under the heading of “Biosecurity”.
- 7.41. I conclude that the proposal would be compatible with the ecological interest of the site as it now exists.

#### **(vi) Water**

- 7.42. The proposal would be connected to the public water mains in St. Finbarr’s Park and the combined public foul and surface water sewer in The Lough amenity area. The applicant’s Engineering Services Report advises that it has made a pre-connection enquiry of Irish Water in these respects and it has been advised of the feasibility of the same. Irish Water has, likewise, advised the Planning Authority that it has no objection to the proposed connections.
- 7.43. On-site the applicant would install a 40 cubic metre storm water attenuation tank with a hydro-brake that would mimic the greenfield run-off rate of 2.4 litres per second for a 30-year return period. A by-pass separator would also be fitted prior to the discharge point to the combined sewer. The Planning Authority’s Drainage Engineer has raised no objection to these SUDS measures.
- 7.44. Under OPW’s flood maps, the site is not shown as being the subject of any identified flood risk.



7.45. I conclude that the proposal raises no water issues.

#### **(vii) Appropriate Assessment**

- 7.46. The site is a small inner suburban one, which, under the proposal, would be developed to provide 3 dwelling houses only. This site would be connected to the existing public services in its immediate vicinity. It is neither in nor near to any European site, the nearest examples of which are at some considerable remove in Cork Harbour. Accordingly, its development as proposed would not be likely to significantly effect the Conservation Objectives of these or any other European sites.
- 7.47. Having regard to the nature, scale, and location of the proposal and/or nature of the receiving environment, and/or proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

- 8.1. That permission be granted.

### **9.0 Reasons and Considerations**

Having regard to the Sustainable Residential Development in Urban Areas Guidelines, Quality Housing for Sustainable Communities: Best Practice Guidelines, Design Manual for Urban Roads and Streets, and the Cork City Development Plan 2015 – 2021, the Board considers that the proposal would, subject to conditions, fulfil the ZO 4 zoning objective for the site and that, given the site access constraints, its density would be appropriate. This proposal would afford a satisfactory standard of amenity to future residents and it would be compatible with the visual and residential amenities of the area. Vehicular and pedestrian traffic generated by the proposal would be capable of being satisfactorily handled by the proposed access arrangements for the site. The proposal would be compatible with the ecological interest of the site as it exists now. 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 1<sup>st</sup> day of March 2021, 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) Notwithstanding Condition No. 1, the originally submitted design of dwelling house is hereby permitted.</p> <p>(b) The proposed access road shall be specified with finishing materials that denote its status as a shared surface.</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 amenity, legibility, and road safety.</p>
3.	<p>The landscaping scheme shown on drg no. L200 revision B, as submitted to the planning authority on the 1<sup>st</sup> day of March, 2021, shall be carried out within the first planting season following substantial completion of external construction works.</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>

	<b>Reason:</b> In the interest of residential and visual amenity.
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Surface water drainage arrangements 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>
7.	<p>The access road serving the proposed development shall comply with the detailed standards of the planning authority for road works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
8.	<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 designed to take account of bats and it shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interests of amenity, ecology, and public safety.</p>
9.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility.</p>

10.	<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>
11.	<p>The management and maintenance of the proposed access road and adjoining areas of open space following their completion/planting shall be the responsibility of a legally constituted management company, or by the local authority in the event of the road being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>(b) Location of areas for construction site offices and staff facilities;</li> <li>(c) Details of site security fencing and hoardings;</li> <li>(d) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> </ul>

	<p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
13.	<p>All of the car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 interest of sustainable transportation.</p>
14.	<p>Prior to the commencement of any other development, the new vehicular access and parking arrangements for the dwelling houses at Nos. 18 &amp; 19 St. Finbarr's Park shall be fully provided.</p> <p><b>Reason:</b> In order to ensure the consistent availability of off-street parking.</p>

15.	<p>During the construction phase, the biosecurity recommendations of the Ecological Impact Assessment of the proposal with respect to Japanese Knotweed shall be followed.</p> <p><b>Reason:</b> In the interest of safeguarding ecology.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of €35,503 (thirty-five thousand, five hundred and three 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

16<sup>th</sup> August 2021