



An  
Bord  
Pleanála

## Inspector's Report ABP-312055-21

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<b>Development</b>	Change of density from 14 to 26 units comprising 22 houses and 4 apartments. Bin stores, parking and ancillary works.
<b>Location</b>	Gortnaclohy, Chapel Court, Skibbereen, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	21615
<b>Applicant(s)</b>	Alchemist Developments
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Alchemist Developments
<b>Date of Site Inspection</b>	26 <sup>th</sup> May 2022
<b>Inspector</b>	Liam Bowe

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## 1.0 Site Location and Description

- 1.1. The 0.7226 hectare site is located at the eastern end of the town of Skibbereen in West Cork. It is accessible from the east via the Inner Relief Road from Market Street (R595). The Inner Relief Road serves residential development in the area and there is significant residential development to the east and north of the site. Access to the site is from Chapel Court via the existing internal access road which serves Chapel Court housing estate.
- 1.2. The site is irregular in shape and slopes steadily from northeast to southwest. The site is currently an overgrown greenfield site and forms part of the landholding to the southwest that is being developed as Chapel Court housing estate. The general area is elevated and undulating. There are well-established hedgerows along the northwestern, eastern and southern site boundaries. The southwestern site boundary is open and phase 2 of Chapel Court housing development is under construction immediately adjacent. The site is bound to the south and east by agricultural lands and to the north by a residential development.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 22 no. houses and 4 no. apartments. The appeal site forms part of the overall site for Chapel Court residential development where 54 no. houses were permitted under P.A. Ref. No. 0757046. 14 no. houses were previously permitted on the part of the site that now forms the appeal site.
- 2.2. The development comprises the construction of 20 no. 2-bed townhouses, 2 no. 3-bed semi-detached houses and 4 no. 1-bed apartments. The development comprises 5 no. different dwelling types. All houses are 2-storeys with a maximum height of 9.381m and the apartment building is 9.681m in height. The townhouses have a gross floor area of approx. 86.65m<sup>2</sup> and the gross floor area of the semi-detached houses is 105m<sup>2</sup>. Two of the apartments have a gross floor area of 50.2m<sup>2</sup> and the other two have a gross floor area of 48.4m<sup>2</sup>. The design of the scheme is a contemporary approach to a traditional style. The external finishes include painted render with a metal canopy over the front door. Private open space has been provided to the rear of each dwelling.

- 2.3. The scheme provides for 5 no. blocks of townhouses along the eastern site boundary with the apartment block also proposed at the northernmost point along the eastern boundary. The remaining semi-detached pair of houses is proposed opposite at a location on the site that previously formed part of the public open space provision for the Chapel Court housing scheme. Amenity space is proposed adjacent to the semi-detached houses and to the side and rear of the apartment building.
- 2.4. Vehicular access is provided via the existing estate road. The new estate road is approx. 6m in width with a 1.5m wide footpath. 2 no car parking spaces are provided per dwelling along the street with communal parking provided for the apartments.
- 2.5. Ancillary site development works include road infrastructure, drainage and stormwater network, bin storage, secure bicycle storage and landscaping. The existing eastern boundary, which comprises a hedgerow, would be retained and supplemented with a gabion retaining wall. The development would be served by a mains water supply and public sewer.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. By order dated 1<sup>st</sup> November 2021 Cork County Council issued a Notification of Decision to Refuse Permission for the proposed development for the following reasons:

1. It is considered that the proposed development due to the revised layout incorporating an increased density, represents significant overdevelopment of the site, would result in the loss of a designated area of public open space which would impact significantly on the recreation and amenity provisions of the entire site as granted permission under Planning Register Number 07/57046. In addition, the revised layout is not considered acceptable as private amenity space provisions for a number of units is considered to be inadequate. The proposal would constitute a substandard form of development which would be contrary to the permission, Planning Register Number 07/57046 (and extended under Planning Register Numbers 13/57007 and 17/772 which governs the development of the estate, would result in a

significant reduction in amenities of the estate, would seriously injure the residential amenities of the area and therefore be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority has serious concerns that the surface water proposals, current provisions and existing ground conditions may impact significantly on the disposal of surface water from the site. It is considered that there is a significant risk of flooding on the site and provisions include in the current application are inadequate to deal with surface water disposal in the future. It is therefore considered that the proposal as presented represents a significant risk of flooding in the locality and is therefore contrary to the proper planning and sustainable development of the area.
3. The Planning Authority has serious concerns regarding the compliance with conditions on the entire site as granted under Planning Register Number 07/57046 (and extended under planning Numbers 13/57007 and 17/772). In particular, it is noted that a bond has not been agreed with the Planning Authority as required and as such there are significant concerns that the development may not be completed in accordance with the grant of permission on the site. Condition no.8 attached to Planning Register Number 07/57046 refers specifically to providing rear access to each house whereby the current proposal omits access to the rear gardens of a number of centrally located units. It is therefore considered that the proposed development would contravene materially a condition (no.8) attached to an existing permission for development (Planning Register Number 07/57046) and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

The Planning Officer in the report dated 28<sup>th</sup> October 2021 stated the relevant development plan policies, planning history, and summarised the responses from the internal and statutory consultees. The Planning Officer outlines concerns regarding non-compliance with the parent permission on the overall site, disposal of surface water, inadequate public open space provision and unacceptable density levels. The

report recommended that permission be refused on these issues, which is reflected in the decision of the Planning Authority.

Screening for AA and Stage 2 Appropriate Assessment was not completed due to the stated absence of details regarding the disposal of surface water.

### 3.2.2. **Other Technical Reports**

**Estates Engineer** – The Estates Engineer’s report dated 8<sup>th</sup> October 2021 states that there are a number of outstanding pre-commencement conditions on Phase 2 of the overall development, including the need for a security bond, and that an enforcement case has been opened on these matters. The report also notes that the proposal will result in a loss of amenity space, queries the necessity for an apartment block, highlights the lack of detail contained in the surface water disposal system, and recommends that further information should be sought on these matters.

**Area Engineer** – The Area Engineer’s report dated 20<sup>th</sup> October 2021 highlighted issues with the surface water disposal system and sought a surface water management plan for the overall development.

**Public Lighting Engineer** - The report dated 1<sup>st</sup> October 2021 highlighted deficiencies in the public lighting proposals and sought further information to address this.

**Housing Officer** – The report dated 16<sup>th</sup> September 2021 outlines a requirement for 20% of the increased density i.e., 2 no. social / affordable housing units.

**Environment** – No objection. Condition recommended.

**Ecology** – The Ecologist’s report dated 28<sup>th</sup> October 2021 states that the application was discussed with the Area Planner.

### 3.3. **Prescribed Bodies**

**Irish Water** – The observations on 26<sup>th</sup> October 2020 sought the applicant to engage through a Pre-Connection Enquiry in order to assess the feasibility of connection to the public water / wastewater infrastructure.

**IFI** – Requests that Irish Water confirms that there is sufficient capacity in the public wastewater treatment system.

## 4.0 Planning History

### 4.1. Appeal site:

**P.A. Ref. No. 0757046** – Permission granted for 54 no. houses.

**P.A. Ref. No. 1357007** – Permission granted for an extension of duration to the permission issued under 0757046 until 10<sup>th</sup> April 2018.

**P.A. Ref. No. 17772** – Permission granted for a further extension of duration until 31<sup>st</sup> December 2021.

**Enforcement Ref. No. SKB21032** – Reference is made in the Estate Engineer's report dated 8<sup>th</sup> October 2021 to non-compliance with conditions attached to the parent permission issued P.A. Ref. No. 0757046. There are no further details available.

## 5.0 Policy Context

### 5.1. National Planning Framework

5.1.1. The site is located within the Southern Regional Assembly Area identified in the NPF. The NPF projects that around 2 million people will live in this region by 2040.

5.1.2. National Policy Objective 11a.

Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

### 5.2. Regional Spatial and Economic Strategy

5.2.1. The Regional Spatial and Economic Strategy for the Southern Region 2019-2031 is the relevant RSES for Cork.

### 5.3. Cork County Development Plan 2022-2028

5.3.1. I draw the Board's attention to the adoption of the Cork County Development Plan on 25<sup>th</sup> April 2022, which came into effect as the statutory plan for the county on 6<sup>th</sup> June 2022.

- 5.3.2. Skibbereen is identified as an important service county town in the West Cork Municipal District. As a growth/development centre, it performs an important employment, service, and social function for an extensive rural hinterland. The Plan recognises the need to provide a better balance of development in Skibbereen and its hinterland so that the town can maximize its potential to attract new investment in employment, services, and public transport.
- 5.3.3. The 2016 Census of population recorded a total population of 2,778 for Skibbereen (a 4% increase on 2011). The plan sets an overall population target of 3,563 for Skibbereen which represents a projected population increase of 785 persons.
- 5.3.4. In order to accommodate the population target proposed for Skibbereen, an additional 300 new housing units will be required with 239 housing units delivered on residentially zoned land and the balance of 61 delivered within the built footprint of the town.

The appeal site has a land use zoning under the Plan of '**Existing Residential / Mixed Residential and Other Uses**'. The objective of this land use zoning is 'to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location'.

**Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses**

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and



uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

**5.3.5. Section 4.8.12 Medium Density 'B'**

**Objective HOU 4-7: Housing Density on Residentially Zoned Land**

Min. Net Density 20 / Max. Net Density 35

Normally applicable to lands in the suburban/greenfield lands of the smaller towns <5,000 population and key villages as part of sequential development.

**5.4. Urban Development and Building Heights Guidelines for Planning Authority (2018)**

**5.4.1. SPPR 4**

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure the minimum densities for such locations set out in the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages – Guidelines for Planning Authorities (2009).

**5.5. Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009) and Best Practice Urban Design Manual**

**5.5.1. Edge of centre sites**

“The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.”

### 5.5.2. **Privacy and Amenity<sup>1</sup>**

“All homes, including apartments should have access to an area of outside space where the residents can comfortably sit without being directly overlooked. Any external seating areas should be orientated to achieve the best solar aspect.

This sitting-out area should be located immediately adjacent to the main living area of the home and should be conceived as an outside living room. This allows for an extension of the living space on dryer or warmer conditions.

The area should be of adequate size proportionate to the size of the home. As a general rule of thumb, the space should be big enough to allow all occupants of the dwelling to sit out at the same time. Note these areas should be designed to provide some privacy for users.”

### 5.6. **Natural Heritage Designations**

The appeal site is not located within any designated European sites. The closest Natura 2000 sites are Castletownsend SAC (site code: 001547), Lough Hyne Nature Reserve and Environs SAC (site code: 000097) and Roaringwater Bay and Islands SAC (site code: 000101), which are located approximately 5.6m to the east, 5.4km to the south and 9.4km to the west, respectively.

### 5.7. **EIA Screening**

The project falls under Class 15, Schedule 7 of the Planning and Development Regulations 2001, as amended. The project is below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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<sup>1</sup> P.76, Urban Design Manual (2009)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by the First Party, Alchemist Developments.

The main points made can be summarised as follows:

- States that the future purchaser of the remaining units on the site identified a need for increased numbers of houses.
- Contends that the proposed density of 31.5 units per hectare is in accordance with policy Objective HOU 4-1 of the County Development Plan.
- Contends that the proposed 13.08% of public open space is in excess of the 12% minimum requirement and that all 2-bed houses have in excess of the 48m<sup>2</sup> private open space required.
- Includes a proposal for the collection and re-routing of the stormwater drain / culvert from the lands to the east of the appeal site. Also states that the First Party is willing to carry out a hydrology report prior to commencement of development to ascertain if a 600mm pipe is sufficient at this location.
- Confirms that the First Party is in the process of putting a bond in place.
- Contends that the provision of rear access to the gardens of the houses is an inferior solution to the revised proposals under this application / appeal. Confirms that communal bin storage would be provided for mid-terrace houses.

### 6.2. Planning Authority Response

The Planning Authority has not responded to the grounds of the appeal.

## 7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development and Density
- Design, Layout and Open Space
- Surface Water Disposal
- Non-compliance with Previous Permission
- Other Issues
- Appropriate Assessment

### 7.1. Principle of Development and Density

- 7.1.1. Permission was granted in 2008 under P.A. Ref. No. 0757046 for the construction of 54 no. houses on the overall Chapel Court residential development site. Due to the economic downturn the housing estate was not completed. Following my site inspection, I noted that 24 no. houses are completed and occupied and a further 16 no. houses are constructed, substantially completed, but not occupied; and works had not commenced on the part of the site where the remaining 14 no. houses were permitted. It is now proposed to construct 26 units on this part of the site.
- 7.1.2. As part of the first reason for refusal on this appeal, the Planning Authority considered that the proposed development due to the revised layout incorporating an increased density (26 no. units in lieu of 14 no. units) represented a significant overdevelopment of the site. In response to this, the First Party contends that the future purchaser (an approved housing body) of the remaining units on the site identified a need for increased numbers of houses and that the proposed density of 31.5 units per hectare is in accordance with policy Objective HOU 4-1 of the Cork County Development Plan 2014-2020 (as extended).
- 7.1.3. Under the recently adopted Cork County Development Plan 2022-2028, the appeal site has a land use zoning of 'Existing Residential / Mixed Residential and Other Uses' (Medium B). It is stated in the Plan that the objective of this land use zoning is 'to conserve and enhance the quality and character of established residential communities and protect their amenities' and that the scale of new residential

developments within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area.

- 7.1.4. The applicable policy under the current plan for the appeal site is Policy Objective HOU 4-7: Housing Density on Residentially Zoned Land and this requires a minimum net density of 20 units per hectare and a maximum net density of 35 units per hectare and states that these densities are normally applicable to lands in the suburban / greenfield lands of the smaller towns <5,000 population and key villages as part of sequential development.
- 7.1.5. Similarly, Government guidance issued under Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009) states that densities to a range of 20-35 dwellings per hectare will be appropriate at edge of centre locations including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation. Furthermore, SPPR 4 contained within Urban Development and Building Heights Guidelines for Planning Authority (2018) states that it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure the minimum densities for such locations.
- 7.1.6. It is also noted that it is an objective of the National Planning Framework to increase residential densities in appropriate locations to avoid the trend towards predominantly low-density commuter-driven developments. The overall site for Chapel Court residential development has a proposed density of 31.5 units per hectare compared to a density of 25.8 units per hectare permitted under P.A. Ref. no.0757007. Having regard to the location of the site within an existing residential estate on zoned and services lands, it is my view that the proposed increased density is appropriate in this instance.
- 7.1.7. Having regard to the planning history of the site and the nature and scale of the development it is my view that the proposed development, which reinforces the existing character of the existing estate, is in accordance with the objectives of the County Development Plan and Section 28 guidance. In conclusion, having regard to the zoning objective for the site and the nature and scale of the proposed development, it is my view that the proposed scheme is in accordance with the

objectives of the Cork County Development Plan and the National Planning Framework. I, therefore, consider that the proposed development is acceptable in principle.

## **7.2. Design, Layout and Open Space**

- 7.2.1. The Planning Authority has concerns that the proposed development would result in a significant reduction in amenities of the estate and would seriously injure the residential amenities of the area. In this regard, the main reasons for these concerns arise due to public open space provision, private open space provision, and access to the rear gardens of terraced houses.
- 7.2.2. In response to this, the First Party contends that the proposed 13.08% of public open space is more than the 12% minimum requirement and that all 2-bed houses have in excess of the 48m<sup>2</sup> private open space required. In addition to this, the First Party contends that the provision of rear access to the gardens of the houses that is being sought by the Planning Authority is an inferior solution to the revised proposals under this application / appeal.
- 7.2.3. I note that there are two significant changes to the proposed public open space areas under this appeal compared to the public open spaces permitted under the parent permission. Firstly, there is a pair of semi-detached houses at the northwestern corner of the appeal site proposed on an area that was designated as public open space under the parent permission (Drawing No.'s 21-003 - P - 107 and 21-003 - P - 108 submitted with the First Party appeal refer). The proposed houses will result in the removal of approximately half of this public open space. Secondly, there is an area of public open space proposed in the northern corner of the site to the side and rear of the proposed apartment building.
- 7.2.4. I note that Cork County Council's Recreation and Amenity Policy is specific for schemes of 25 to 99 units and states that emphasis should be on the provision of quality landscaped public open space and the provision of accessible hard surfaced fenced neighbourhood/local play areas (100m<sup>2</sup> - 400m<sup>2</sup>) catering in particular for the needs of young children.
- 7.2.5. Although I consider the quantum of public open space provision to be in accordance with the policy objectives for the area, I consider that the aforementioned changes

will result in a significant reduction in the quality of public open space provided both for the existing residents and the new owner / occupiers of the 26 no. housing units under this appeal. I consider that the original large area of public open space in the northwestern portion of the site to be well overlooked and located in an area of the site that would be least affected by passing vehicular traffic. I consider that the area of public open space proposed to the side and rear of the apartment building would not be used as part of the public open space for the overall residential development but, due to its secluded nature, would act as a communal space for the residents of the apartment building only.

- 7.2.6. Given these concerns, I consider that the pair of semi-detached houses should be omitted from the scheme and this area dedicated to the provision of quality landscaped public open space and the provision of an accessible hard surfaced fenced neighbourhood/local play area (100m<sup>2</sup> - 400m<sup>2</sup>) catering in particular for the needs of young children in accordance with Cork County Council's Recreation and Amenity policy. I recommend to the Board that a suitable condition could be included on a grant of permission to affect this.
- 7.2.7. I note the Planning Authority's concerns regarding the removal of rear access to the proposed terraced houses. However, I note the proposal under appeal includes for communal bin storage to be provided for mid-terrace houses. I am satisfied that this provides adequate access to waste disposal facilities for the residents and would protect their residential amenities.
- 7.2.8. I further note the concerns in relation to private open space provision for the proposed 2-bed houses. The First Party contends that all 2-bed houses have in excess of the 48m<sup>2</sup> private open space required. I note the minimum provision is 50m<sup>2</sup> and the maximum is 157m<sup>2</sup>. I am satisfied that all homes, including the proposed apartments, have access to an area of outside space where the residents can comfortably sit without being directly overlooked and that the private open space provided for each of the proposed residential units is in accordance with the Section 28 Guidelines and the Development Plan.
- 7.2.9. In conclusion, I consider that the inclusion of a condition requiring the omission of the pair of semi-detached houses proposed for the northwestern corner of the site and their replacement with a large public open space area that included a neighbourhood

play area would address the concerns of Cork County Council and satisfactorily protect the amenities of the estate and the residential amenities of the area, and be in accordance with the requirements of the Development Plan and Cork County Councils Recreation and Amenity Policy for the provision of the appropriate quantity and quality of public open space.

### 7.3. Water Services

7.3.1. The proposed development would be connected to the existing public water and foul water mains. No significant concerns have been raised by the Area Planner or Area Engineer regarding capacity constraints within the public sewer system. I note that foul sewer extensions<sup>2</sup> are required to service some of the residential zoned land within Skibbereen but this would not affect the appeal site as it already has a connection to the public sewer. I also note that Irish Water in their statutory consultation with the planning authority state that a Confirmation of Feasibility for connection to the public water / wastewater infrastructure is required. As there are no capacity issues evident and a connection to the public sewer already exists at this location, I am satisfied that a suitable condition requiring a connection agreement with Irish Water, prior to commencement of any development on the appeal site, would be appropriate.

7.3.2. The planning authority raised concerns regarding the proposals for the disposal surface water to the public storm sewer at this location. This manifested in reason no.2 for refusal within the Notification of Decision to Refuse Permission issued by the planning authority for the proposed development, namely:

“The Planning Authority has serious concerns that the surface water proposals, current provisions and existing ground conditions may impact significantly on the disposal of surface water from the site. It is considered that there is a significant risk of flooding on the site and provisions include in the current application are inadequate to deal with surface water disposal in the future. It is therefore considered that the proposal as presented represents a significant risk of flooding in the locality and is therefore contrary to the proper planning and sustainable development of the area.”

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<sup>2</sup> P.468, Table D2: Settlement Specific Key Infrastructure, Cork County Development Plan 2022-2028



- 7.3.3. The site falls generally from the northeast to the southwest, which facilitates easy collection of surface water at the southern end of the site. However, the concerns of the planning authority are in relation to an existing surface water drain to the northeast of the appeal site and the existing ground conditions on the site (photographic evidence of ponding is included in the Estates Engineer's report).
- 7.3.4. I note the First Party's proposal to connect to the existing culvert upstream of the site using a 600mm diameter pipe. On the basis of the information available, I am satisfied that this pipe would have the capacity to take the surface water from this culvert and direct it to the south of the residential development within Chapel Court. At present, the surface water from the northeast of the appeal site is directed to the water course via a culvert and the current proposal includes for a direct connection to this watercourse to a point to the south of Chapel Court.
- 7.3.5. I note The First Party has advised of their willingness to carry out further hydrology tests if needed in order to ascertain if a 600mm pipe is sufficient and in order to meet the requirements of Cork County Council for the disposal of surface water. Although this may assist in ascertaining flows onto the appeal site, I consider that the overriding need is to connect this pipe directly to the existing outfall / watercourse as occurs at present, and any change to the size of the pipe required for this connection can be agreed prior to commencement of development on the site.
- 7.3.6. In conclusion, I consider the proposals for the collection and disposal of surface water from the proposed development to be an acceptable approach and, consequently, the proposed development would be unlikely to give rise to any surface water ingress / issues to proposed houses or neighbouring properties with existing culvert to the northeast of the site directed to the existing watercourse. I recommend that the Board include a condition to facilitate the implementation of the proposed method of disposal of surface water or any revised method that the planning authority may seek.

#### **7.4. Non-compliance with previous permission**

- 7.4.1. Condition no.8 attached to Planning Register Number 07/57046 refers specifically to providing rear access to each house whereby the current proposal omits access to the rear gardens of a number of centrally located units. The planning authority,

therefore, considered that the proposed development would contravene materially this condition attached to an existing permission for development.

7.4.2. I note that the First Party states that side accesses to terraced houses are omitted for safety, and that communal bin stores are provided in lieu of providing access to the rear gardens. I am satisfied that the provision of communal bin stores removes the need for rear access to the private gardens of the proposed terraced houses. As any permission issued under this appeal would be a standalone permission, I am also satisfied that the issue of contravening a condition attached to the original permission on the appeal site does not arise.

7.4.3. I also note the planning authority's concerns in relation to the requirement for the provision of a bond with the parent permission on the appeal site. The First Party has included details of proposals for compliance with this condition as part of this appeal. In relation to the issue of an alleged ongoing non-compliance with the parent permission, it is of note that the Board does not have a role in enforcement and, in this respect, regard is had to Section 10.1 of the Development Management Guidelines 2007 which provides that enforcement of planning control is the responsibility of the planning authority. Notwithstanding this, as this appeal would result in a new permission being issued on the site, I recommend that the Board attach the standard bond condition.

## 7.5. **Other issues**

### Part V

7.5.1. I note the P.A. requirement for 2 no. additional social/affordable dwelling units.

As this is a new permission, I recommend that the Board attach the standard Part V condition.

## 7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development

would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

Having regard to the zoning objective for the site, the design and layout of the proposed development and the policies and objectives of the Cork County Development Plan 2022-2028, it is considered, subject to the conditions set out below, that the proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **9.0 Reasons and Considerations**

I recommend that permission for the proposed development be granted for the following reasons and considerations, subject to conditions.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>This permission is for 24 dwelling units only. The 2 semi-detached units to the west of the internal estate road shall be omitted. This area shall be incorporated into the public open space area and shall be developed as a neighbourhood play area in accordance with Cork County Council's Recreation and Amenity Policy (June 2019).</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 clarity and residential amenity.</p>
3.	<p>Prior to commencement of development final details of the location and facilities provided in the neighbourhood play area shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all 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 interests of visual amenity.</p>

5.	<p>Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interests of public health.</p>
6.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<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.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
9.	<p>Development described in Classes 1 and 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of permission.</p> <p><b>Reason:</b> In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed development.</p>
10.	<p>Proposals for a 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.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>

11.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
12.	<p>The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. This shall include the provision of a 2 metre wide footpath along the frontage of the proposed houses. Details of these revised proposals, including the consequent reduction in the width of the internal road, 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 amenity and of traffic and pedestrian safety.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 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>
14.	<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</p>

	<p>practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
15.	<p>A plan containing details for the management of waste (and, in particular, recyclable waste) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular, recyclable materials in the interest of protecting the environment.</p>
16.	<p>Each residential unit shall be provided with a parking space with a functional electric vehicle charging point. Details of how it is proposed to comply with this requirement 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 transport.</p>
17.	<p>Prior to commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all house permitted, to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation of social/affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure and adequate choice and supply of housing, including affordable housing, in the common good.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision</p>

	<p>of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>



	<p>indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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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Liam Bowe  
Planning Inspector

25<sup>th</sup> August 2022