



An
Bord
Pleanála

Inspector's Report ABP-313471-22

Development	Demolition of existing dwelling house and construction of 16 no. residential units.
Location	East Gate House, East Gate, Main Street, Ballincollig, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	22/40866
Applicants	Kway Developments Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellants	Kway Developments Limited
Observers	None
Date of Site Inspection	16 th November 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The site is located on the southern side of Main Street, Ballincollig, at the eastern end of the town centre. It is distanced c. 3km west of the existing built-up footprint of Cork City and c. 7km from the city centre.
- 1.2. The site has a stated area of 0.343 hectares and is irregular in shape. It contains a single storey dwelling fronting onto Main Street, while access is also provided through the site to another dwelling to the rear (south) of the landholding (outside the site boundary). There are a number of ancillary outbuildings within the site. The site slopes gently downward from north to south and contains several mature trees.
- 1.3. To the west of the site is a petrol filling station and a single storey housing development (Carrigdenne). To the south (rear) of the site is the existing dwelling within the landholding and an undeveloped plot adjoining the Castlepark residential estate. To the east is a dental practice building and a former ESB office/depot site, which is currently under construction. There is mature vegetation along the eastern boundary. The site fronts onto Main Street to the north, where there are two site entrances (one currently closed). The site frontage is directly opposite the Old Fort Road 'East Gate' junction with Main Street.

2.0 Proposed Development

- 2.1.1. In summary, planning permission is sought for the following works:
 - Demolition of an existing dwelling house and all existing structures on site.
 - Construction of a residential development and all ancillary site development works.
 - The proposed development will consist of 16 no. residential units, comprising 8 no. two-bedroom detached houses and 8 no. two-bedroom townhouses.
 - Access to the site will be via an upgraded pedestrian priority entrance off Main Street (R608) which will include an uncontrolled pedestrian crossing and upgrades to the public footpath along the southern side of Main Street along the site boundary.

- Connection to the existing public water mains, surface water sewer, and foul sewer along Main Street.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 6th April 2022, Cork City Council (CCC) decided to refuse permission for the following reason:

The application site adjoins East Gate junction which is one of the busiest in Cork City. The proposed development would endanger public safety by reason of traffic hazard because of the vehicular conflict which it would generate on the adjoining road to the north of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planner's reports

- 3.2.1. The assessment outlined in the CCC planner's reports can be summarised as follows:

- The proposal accords with the established uses in the area and the 'ZU 3-1' zoning objective for the site.
- The proposal has been amended in an effort to address a previous refusal on grounds of traffic conditions. However, the CCC reports from Traffic and Area Engineer offices recommend refusal.
- A setback has been provided to facilitate Bus Connects proposals. However, there are still concerns about the proposal to provide vehicular access at this very busy junction.
- The proposed density (47 dwelling per hectare) is considered appropriate for this location.
- It remains to be demonstrated that the private amenity space would meet minimum standards of area and daylight provision.

- A justification is required for the raised levels to the south and west of the site and there are outstanding concerns about overshadowing and overbearing impacts on adjoining properties.
- The extent of shared/public open space needs to be clarified.
- The increased fenestration for the side elevation of house no.1 should be replicated in house no. 16. The houses do not directly address Main Street.
- Additional details regarding landscaping and boundary treatment would be required.
- The reports recommend refusing permission, and this forms the basis of the CCC decision.

Other Technical Reports

3.2.2. City Architect: No objection on grounds of architecture or urban design. Fire tender access would need to be confirmed, particularly for the terraced dwellings.

Drainage: No objection subject to agreement of surface water attenuation and flow control details.

Environment: Requests further information regarding construction and demolition waste management and construction management.

Housing: Part V proposals are acceptable in principle.

Infrastructure: An appropriate roadside setback has been provided to facilitate future road widening. No objections subject to 3 metre setback as proposed.

Traffic Regulation and Safety: Highlights that the Eastgate junction is one of the busiest in the city and the proposal for an uncontrolled vehicular access (for emergency/service and access to existing house). Any new vehicular access cannot be accommodated on this junction and refusal is recommended on the basis of traffic hazard.

Area Engineer: Raises concerns about future maintenance and recommends that a management company be appointed for future maintenance of roads, common areas etc. Notwithstanding this, the Traffic Regulation and Safety report is endorsed.

Urban Roads: Requests further information on measures to prevent parking within the site.

Contributions Report: General Development Contribution Scheme applies (€30,860.44).

3.3. **Prescribed Bodies**

Inland Fisheries Ireland: Requests that Irish Water signifies that there is adequate capacity in the public sewer to prevent overloading and polluting matter entering waters.

3.4. **Third Party Observations**

One third-party submission was received from the owner of a property adjoining the southwest corner of the site. The issues raised can be summarised as follows:

- The submission supports the principle of development on this infill site.
- Section d-d shows an incorrect ridge level height for his property and incorrect site boundary treatment.
- The prospective residents will be able to look directly into his kitchen.
- The full extent of the foul sewer network is not shown on the drawings submitted.
- The raising of site levels by 1 metre to facilitate gravity drainage for the foul sewer is at the heart of his concerns and will result in excessive impacts on his property. The developer should install a system that would allow the development to be constructed at grade.

4.0 **Planning History**

4.1. Under **P.A. Reg. Ref. 21/40218**, CCC refused permission on the subject site for the demolition of all structures, construction of 16 no. houses, and access via an upgraded entrance off Main Street. The reason for refusal was as follows:

The proposed development would necessitate an additional phase into the existing traffic signalised junction i.e. East Gate junction where Main Street and Old Fort Road intersect. This is a busy junction on one of the main roads in Ballincollig and it experiences delays at peak times. The proposed development would endanger public safety by reason of a traffic hazard because the development will severely impact on the efficiency of operation of the signalised junction, will exacerbate and intensify the existing problem of traffic congestion in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.2. Under **P.A. Reg. Ref. 10/5731**, Cork County Council granted permission for construction of new entrance on the subject site. This relates to the existing entrance (currently closed) at the eastern end of the road frontage.
- 4.3. Under **ABP Ref. No. 306893-20 (P.A. Reg. Ref. 19/38494)**, on the adjoining site to the east (former ESB site), the Board granted permission (5/2/21) for the demolition of existing structures and the construction of 40 no. dwelling units comprising of 9 no. 1 Bed apartments, 8 no. 2 bed apartments, 4 no.2 Bed Duplex units, 6 no. 3 Bed Maisonette/Townhouses, 13 no.3 Bed Duplex units with vehicular and pedestrian access to the east of the site onto Leo Murphy Road/Link Road.

5.0 Policy Context

5.1. National Planning Framework (NPF)

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth as follows:

NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;

NPO 4 promotes attractive, well-designed liveable communities;

NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards

NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.

NPO 27 promotes the integration of safe and convenient alternatives to the car in the design of communities, by promoting walking and cycling access.

NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

NPO 35 aims to increase residential density in settlements through a range of measures including infill development and site-based regeneration.

5.2. Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

5.2.1. These Guidelines set out target floor areas for a range of different dwelling types, as well as providing guidance on quantitative and qualitative standards.

5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

5.3.1. These Guidelines, hereafter referred to as ‘the Sustainable Residential Development Guidelines’, set out the key planning principles which should guide the assessment of planning applications for development in urban areas. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. A design manual accompanies the guidelines which lays out 12 principles for urban residential design relating to context, connections, inclusivity, variety, efficacy, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.

5.4. **Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities, May 2021**

- 5.4.1. These Guidelines identify planning conditions to which planning authorities and the Board must have regard in granting planning permission for new residential development including housing and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that displaces individual purchasers and/or social and affordable housing, including cost rental housing. The application of these conditions applies to all housing developments that include 5 or more houses and/or duplex units.

5.5. **Cork City Development Plan 2022-2028**

Strategic Objectives

- 5.5.1. Relevant Strategic Objectives can be summarised as follows:

SO1 – Deliver compact liveable growth.

SO2 – Deliver homes at densities that create liveable integrated communities.

SO3 - Integrate land-use and transportation planning to increase active travel and public transport usage.

SO9 - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places.

- 5.5.2. The Core Strategy identifies Ballincollig as an ‘Urban town’, with an aim to further deliver an appropriate mix of uses to meet local need. Compared to the baseline 2016 population of 18,159 persons, Ballincollig has a targeted population growth of 10,520 persons to 2028 (57.9% growth rate target). The Growth Strategy Map (2.21) identifies the appeal site within an area targeted for ‘compact growth’. Section 2.57 outlines the objective for ‘urban towns’ to include:

- Phased delivery of strategic sites.
- All development shall focus on prioritising walking, cycling and public transport use.
- Apply a mixed-use approach to regenerating key underutilised locations.

- Use a range of designs and densities that reflect and enhance the individual character of each town.

5.5.3. Objective 2.24 aims to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re-use and regeneration. Objective 2.31 aims to deliver 65% of all new homes within the existing built footprint of the city.

Housing

5.5.4. Chapter 3 deals with 'Delivering Homes and Communities'. For the purposes of assessing density, it outlines that the appeal site is located within the 'inner urban suburbs'. Relevant objectives can be summarised as follows:

3.1 - Supports the 15-Minute City concept, placemaking at the heart of design, planning for communities, the provision of supporting neighbourhood infrastructure, and the creation of healthy and attractive places to live.

3.2 – Supports a diverse, inclusive and equal distribution of uses, infrastructure, and services, which takes into account the specific needs of population groups and reduces social inequality.

3.3 – Promotes new housing supply of at least 17,118 homes during the plan period.

3.4 - Seeks to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork, with at least 33% provided within brownfield sites.

3.5 – Promote high-quality higher density development in accordance with the standards set out in Chapter 11 of the Plan.

3.6 – Encourages the development of an appropriate mix of dwelling types.

3.9 – Encourages infill development to ensure that small sites and vacant space are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.

Transport and Mobility

5.5.5. Chapter 4 'Transport and Mobility' aims to provide an integrated and sustainable transport system based on the implementation of the Cork Metropolitan Area Transport Strategy (CMATS). It includes a primary cycle route and an improved

BusConnects bus route (CBC 6 to City Centre via Mardyke) along Main Street, Ballincollig, as well as the development of a Light Rail Transit (LRT) system linking Ballincollig to Mahon, via the City centre and Docklands.

5.5.6. Relevant objectives can be summarised as follows:

4.1 – Aims to implement CMATS.

4.4 – Promotes active travel and the 15-Minute City concept.

4.5 – Promotes permeability, particularly along public transport routes.

Key Growth Areas

5.5.7. Chapter 10 deals with Ballincollig and identifies that future growth will be concentrated in the Maglin Area to the south of the town, other zoned lands to the west, and on infill and brownfield lands within the existing built-up area of the town. Section 10.215 highlights the high rate of car dependency, with only 18% using green or public transport modes to commute.

Placemaking and Managing Development

5.5.8. Chapter 11 outlines guidance and standards in relation to Placemaking and Managing Development. Relevant standards and objectives include the following:

- Table 11.1 outlines a building height target of 3-5 storeys for Central Ballincollig.
- Objective 11.1 promotes sustainable residential development and high-quality places.
- Table 11.2 outlines a target density range of 50-100 dwellings per hectare for Central Ballincollig.
- Objective 11.2 and Table 11.9 outline a dwelling mix for housing developments in Urban Towns.
- Objective 11.3 and Table 11.10 outline qualitative design aspects to be addressed in housing developments.
- Objective 11.4 states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation, and that potential impacts on adjoining properties may need to be assessed. The

objective and associated sections also outline guidance for further assessment.

- 5.5.9. Chapter 11 outlines further guidance for residential development, including guidance in relation to 'separation, overlooking and overbearance', 'private amenity space', and 'public open space'. It outlines a preference for the retention of existing dwellings rather than demolition, unless a strong justification is put forward.
- 5.5.10. Regarding Transport & Mobility, Chapter 11 outlines that Car Parking Zone 2 reflects areas that are or will be accessible to mass transit on the form of Light Rail Transit or BusConnects and encompasses most city suburbs (including Ballincollig). Table 11.13 outlines a maximum standard of 1 space per 1-2 bedroom residential unit. Table 11.14 outlines a standard of 1 bicycle parking space per unit for standard apartments but does not include a standard for houses.

Zoning

- 5.5.11. Chapter 12 deals with 'Land Use Zoning Objectives'. The appeal site is located within the 'ZO 1 Sustainable Residential Neighbourhoods' zone, where the objective is '*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*'. The provision and protection of residential uses and residential amenity is a central objective of this zoning. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.

5.6. **Environmental Impact Assessment (EIA) – Preliminary Examination**

- 5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha

elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.6.2. It is proposed to construct a total of 16 no. dwelling houses which is significantly below the 500-unit threshold noted above. The site has an area of 0.343 ha and is located within an existing built-up area. The site area is well below the applicable thresholds of 10 ha and 2 ha (even if the area is considered a ‘business district’). The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses.
- 5.6.3. The site is not designated for the protection of the landscape or natural heritage and the proposed development is not likely to adversely affect the integrity of any European site (see section 8 of this report).
- 5.6.4. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be minimal.
- 5.6.5. I conclude that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report or screening determination in relation to EIA was not necessary in this case.

5.7. Natural Heritage Designations

- 5.7.1. The Cork Harbour SPA (site code 004030) is the nearest Natura site and is located c. 10km to the east of the appeal site. There are several other designated sites in the wider Harbour area.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been submitted by HW Planning consultants. The appeal firstly outlines the planning history and development context of the site, and how the current proposal aims to address CCC traffic concerns by proposing an effectively 'car free' scheme. The grounds of appeal can be summarised under the headings below.

Traffic and Transport

- The 'car free' approach is justified given the infill nature of the site, the sustainability of the location in close proximity to town centre amenities, and its location along a BusConnects Sustainable Transport Corridor.
- BusConnects will improve public transport provision, but the site presently enjoys an excellent 24/7 bus service (no. 220) with 15-min frequency during peak hours.
- Car-free developments are supported in section 4.105 of the Draft Cork City Development Plan 2022 (DCCDP) where within 800m of quality public transport. The site is adjacent to quality public transport and is within 650m of the proposed LRT route.
- The omission of car-parking has removed any necessity for alterations to the existing junctions.
- The proposal will result in public realm improvements with an increased setback to facilitate BusConnects improvements to pedestrian/cyclist facilities.
- The proposal will remove one of the 2 existing entrances onto Main Street.
- Access will be limited to the existing dwelling and service/emergency vehicles.
- A Road Safety Design Review is included, prepared by MHL & Associates Ltd. It concludes that the proposal will:
 - Offer significant public realm improvements
 - Halve the current figure of 8 no. trips per day on site

- Facilitate off-street refuse collection as opposed to the current practice of collection at the junction along Main Street
 - Improve sightlines for the subject site and the adjoining Dental Practice
- The decision sterilises a central, sustainable, infill site, and disregards the advantages of the scheme as previously outlined.
- The DCCDP promotes compact growth, a maximum of 1 car-parking space for the proposed dwellings, and the LRT scheme as a key enabler for car-free and low-car development within its catchment.
- The grounds of the refusal reason have been reduced compared to the previous decision, but the underlying rationale remains to be vehicular conflict on the adjoining road.
- The appeal includes updated landscaping proposals to address concerns relating to the prevention of parking.
- The appeal strongly disagrees with CCC's interpretation of the impact of the development on road safety. An additional new access point is not being proposed and the proposed alterations will improve traffic conditions.

Other Issues

- Shadow analysis was included in the 'Sunlight Reception Report' submitted with the application.
- A Construction Management Plan can be dealt with by a condition.
- The appeal is accompanied by a copy of the cover letter submitted with the original application. This outlines the history and context of the proposed development; the transitioning planning policy context relating to the Cork County Development Plan 2014, the Ballincollig Carrigaline Municipal District Local Area Plan 2017, and the DCCDP 2022. It contends that the proposal is consistent with planning policy and has satisfactorily addressed the concerns of the planning authority.

6.2. Planning Authority Response

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

6.3. **Prescribed Bodies**

6.3.1. No submissions received.

6.4. **Observations**

6.4.1. No observations were received.

7.0 **Assessment**

7.1. **Introduction**

Having inspected the site and examined the application details and all other documentation on file, and having regard to relevant local/national policies and guidance, I consider that the main issues for consideration in this case are as follows:

- Principle of the Development
- Visual Amenity and Character
- Proposed Residential Standards
- Impacts on surrounding properties
- Traffic and Transport.

7.2. **Principle of the Development**

Demolition

7.2.1. In the first instance, the proposed development involves the demolition of the existing dwelling and other structures on site. In this regard, I acknowledge that the Development Plan outlines a preference for the retention of existing dwellings. However, the dwelling to be demolished is not of any particular heritage or architectural quality and does not make a significant contribution to the streetscape or character of the area. Therefore, I would have no objection to demolition on grounds of built heritage or visual amenity.

7.2.2. I also acknowledge the additional sustainability and energy issues associated with new-build development compared to building refurbishment. However, the existing

building is of limited scale and does present significant opportunity for refurbishment at a scale that would be appropriate for this site. The demolition of the buildings would facilitate more comprehensive, higher-density development, which would be appropriate at this location.

- 7.2.3. Having regard to the foregoing, I consider that strong justification exists for the proposed demolition in this case. Accordingly, I have no objection in this regard.

Zoning & Policy

- 7.2.4. The appeal site is located within the 'ZO 1 Sustainable Residential Neighbourhoods' zone, where the objective is '*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*'.

The site has an established residential use and 'residential' is included as a 'primary use' within this zone.

- 7.2.5. In addition to the zoning provisions, I have outlined in section 5 of this report comprehensive local and national policy which aims to increase housing density, particularly along accessible transport corridors. In this regard, I am conscious of the proposed primary cycle route and BusConnects bus route (CBC 6 to City Centre via Mardyke) along Main Street, as well as the development of a Light Rail Transit (LRT) system linking Ballincollig to Mahon, via the City centre and Docklands.

- 7.2.6. Having regard to the foregoing, I consider that the proposed development is consistent with the Development Plan zoning provisions and local and national policy to increase housing density at appropriate locations.

Density

- 7.2.7. Table 11.2 of the Development Plan outlines that residential density targets for the Central Ballincollig area range between 50-100 dwellings per hectare. In national policy, the Sustainable Residential Development Guidelines outline appropriate locations for increased density. In principle, it states that there should be no upper limit on town centre sites, including 'brownfield sites'. It also states that minimum net densities of 50 dwellings per hectare should be applied within public transport corridors, and that inner suburban infill residential development should strike a balance between the reasonable protection of the amenities and privacy of adjoining

dwellings, the protection of established character, and the need to provide residential infill.

- 7.2.8. The appeal site is a brownfield site located at the eastern edge of Ballincollig town centre and, therefore, many of the above scenarios apply to this case. The proposal for 16 houses would result in a density of c. 46 units per hectare. This would be marginally lower than the indicated minimum density of 50 units per hectare for 'Central Ballincollig' and 'public transport corridors', as per the Development Plan and Sustainable Residential Development Guidelines respectively. However, given the location of the site on the periphery of the town centre, I am satisfied that the proposed density would strike an appropriate balance between the higher density town centre and the lower densities of inner suburban housing.

Conclusion

- 7.2.9. Having regard to the foregoing, I am satisfied that the proposed development is consistent with the Development Plan zoning for the site and that the proposed quantum of development would be appropriate in principle having regard to local and national policy. However, I acknowledge that the zoning objective highlights the need to provide and protect residential amenity, and that development in this zone should generally respect the character and scale of the neighbourhood. Further assessment will therefore be required on these matters, as well as the issue of traffic, which forms the basis of the planning authority decision to refuse permission.

7.3. Visual Amenity and Character

- 7.3.1. The site is located in a prominent position along the southern side of Main Street, Ballincollig. The area has experienced significant transformation in recent years, particularly the northern side of Main Street which has been redeveloped to provide a modern mixed-use quarter. There is little in the form of designated built heritage in the vicinity of the site. There are no Protected Structures or conservations areas.
- 7.3.2. On the opposite side of the road, the 'East Gate' entrance piers to the former military complex are included on the National Inventory of Architectural Heritage (NIAH). They are rated as 'regional' significance in the NIAH, which describes the structure as square-profile dressed limestone piers to vehicular entrances and flanking pedestrian entrances, camber-headed arches to pedestrian entrances having

dressed limestone voussoirs, carved string courses to capitals of piers, set in rubble stone boundary walls. The NIAH appraisal concludes that the entrance exhibits fine stone craftsmanship.

- 7.3.3. To the northeast of the site along Main Street is a detached three-bay two-storey house, built c.1880, which is also included on the NIAH with a 'regional' rating. The appraisal states as follows:

'This building's simple façade is much enlivened by the retention of its varied timber sliding sash windows. Set slightly back from the road, the house appears to have been influenced by the local vernacular style, which was lost in the area following Ballincollig's expansion in the twentieth century. Though some of its historic features have been removed, this modest house remains a reminder of a lost tradition.'

- 7.3.4. The appeal site is quite small, self-contained, and enclosed. It is largely surrounded by commercial and residential development to the west and south, and by existing/proposed residential and commercial development to the east. Clearly, it is most prominent when viewed from the north along Main Street and Old Fort Road, and this is the only aspect on which the proposed development will significantly impact on the public realm.

- 7.3.5. The application attempts to address concerns previously raised by the planning authority about the site's frontage onto Main Street. House no.'s 1 and 16 have been setback c. 3 metres from the existing footpath to accommodate an increased footpath width and a planted buffer area. Fenestration has also been incorporated into the north-facing elevations of units 1, 6, and 16 in an effort to enhance the relationship through active frontage.

- 7.3.6. The façade onto Main Street would primarily consist of the gable (side) elevations of house nos. 1 and 16, which would be separated by the central access road. The facades consist of a brick-faced mono-pitched gable with a varied pattern of fenestration. The gables are setback behind the 1.7m high garden walls, which provides additional depth and articulation to the façade. The planted buffer area would also add depth and visual interest in the streetscape.

- 7.3.7. I note that the CCC planner's report recommended additional fenestration to house no. 16, while the City Architect's report confirmed that there was no objection on grounds of urban design or architectural terms. I would acknowledge that there is not

a strong or coherent streetscape at this location and the proposed development does not attempt to create a conventional or traditional streetscape. It proposes a more contemporary approach in terms of form and design treatment.

- 7.3.8. In my opinion, a stronger architectural presence at the northern end of the site could have more positively contributed to the character of the area. However, I acknowledge the transitional context of this location and the limitations of the site, and I do not consider that the proposal would detract from the character of the area or the setting of the identified NIAH features in the vicinity. Therefore, consistent with the planning authority decision, I do not consider that a refusal of permission would be warranted on grounds of visual amenity or the character of the area.

7.4. **Proposed Residential Standards**

Mix of Units – New Issue

- 7.4.1. Objective 11.2 of the Development Plan outlines that applications for 10-50 dwellings will need to provide a dwelling size mix that benefits from the flexibility provided by the dwelling size target ranges provided for the respective sub-area. Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.
- 7.4.2. Table 11.9 of the Plan refers to dwelling size mix for housing developments in Urban Towns such as Ballincollig. It states that 2-bedroom units should constitute a minimum of 30% and a maximum of 40%, with 34% being the specified target. The remaining targets are for 1-beds (21%), 3-beds (30%), and 4+ beds (15%).
- 7.4.3. The proposed development involves 2-bed dwellings only. According to Development Plan policy, a maximum of 6 units should be 2-bed and the remaining 10 houses should comprise a mix as detailed above. Therefore, the proposed development does not comply with Development Plan policy in this regard. Obviously, this policy did not apply at the time of the planning authority decision, which was made in accordance with the Cork County Development Plan 2014. Therefore, the Board may consider this to be a **new issue** and may wish to seek the views of the parties on the matter.

- 7.4.4. Given the extent of non-compliance, the Board may also consider that the proposed mix materially contravenes the Development Plan. However, even if the Board feels that there is a material contravention, it should be noted that it can still be permitted on the basis of section 37(2)(a) of the Planning and Development Act of 2000 (as amended).
- 7.4.5. On this issue, it is important to consider the limited scale of the development. There are effectively only 10 units which do not comply with the specified mix. And although all units are 2-bedroom, it should be noted that there is size/type variation including 8 no. detached 3-person units (c.81m²) and 8 no. terraced 4-person units (c. 90m²). The Development Plan also targets 2-bed units for the highest proportion of new units, and I consider that the proposed units are of a largely median size, which does not involve an excess of smaller or larger house types. Part V social housing proposals have been included and the planning authority has confirmed that proposals are acceptable in principle.
- 7.4.6. The Board should also note that the planning authority did favourably consider the issue of housing mix in the assessment of the application, albeit that this preceded the new Development Plan. The Planner's report concluded that the proposed house type was acceptable as it would contribute to widening the range of accommodation type in the area. I would concur with this view as there is a high proportion of larger mature suburban type housing in the surrounding area, combined with an increased proportion of smaller apartment units in more recently permitted/constructed developments.
- 7.4.7. In conclusion, I acknowledge that the proposal does not comply with the specified housing mix as per the Development Plan, and the Board may wish to consider this a new issue or a material contravention of the plan. However, given the limited scale of the development, the mix of 2-bed types proposed, and the current mix of house types in the area, I consider that any redesign of the non-complying units (i.e. 10 no. units) would have only a negligible effect on the overall housing supply in the area. Accordingly, I do not consider that refusal of permission would be warranted on this basis.

Floor areas and dimensions

- 7.4.8. I have reviewed the target gross floor areas for dwellings as set out in 'Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). All the proposed 2-bedroom units comfortably exceed the target areas for 4-person 2-storey houses (80m²) and 3-person 2-storey houses (70m²), with areas being c. 89.5m² and 81.5m² respectively. I am also satisfied that the proposed houses contain adequate area/dimensions in terms of individual/aggregate living spaces, individual/aggregate bedrooms, and storage space. It is acknowledged that the living areas for the detached dwellings are located at first-floor level and there is no objection in principle to this arrangement.

Daylight/Sunlight

- 7.4.9. In national policy, the Sustainable Residential Development Guidelines acknowledge that orientation of the dwelling and its internal layout can affect levels of daylight and sunlight and will influence not only the amenity of the occupants but the energy demand for heat and light. It states that the efficiency gains derived from passive solar layouts can be enhanced by designing individual dwellings so that solar collection is maximised, i.e. when living rooms, dining rooms and main bedrooms have a southerly aspect. The Quality Housing for Sustainable Communities Guidelines (2007) also highlight the importance of the scheme layout in influencing the micro-climate around dwellings. It states that the orientation of the dwelling on site, the internal layout of the dwelling and window orientation, can affect significantly the level of daylighting within the dwelling and the impact of solar gain on internal temperature. Where feasible, it states that the main habitable rooms should have south and/or west facades, while it is also desirable that bedrooms have a southerly or easterly aspect.
- 7.4.10. Objective 11.4 of the Development Plan states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation. Section 11.96 of the Plan states that glazing to all habitable rooms should generally not be less than 20% of the wall area of any habitable room, and that development shall be guided by the principles of the BRE Guide 'Site Layout Planning for Daylight and Sunlight' (2011) and any updated guidance. A daylight analysis will be required for all proposed developments of more than 50 units and for

smaller applications where there are impacts on habitable rooms and the nature of the impact is not clear.

- 7.4.11. I would acknowledge that guidance and standards in relation to daylight and sunlight are going through a transition period. The British Standard 'BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting' was replaced (in the UK) with 'BS EN 17037:2018 Daylight in Buildings' in May 2019. Also, a new (3rd) edition of the BRE Guide was published in June 2022.
- 7.4.12. I would also highlight that the standards described in the BRE (2011) guidelines allow for flexibility in terms of their application, with paragraph 1.6 stating that *'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'*. It notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.4.13. Having regard to the policy context outlined above, there is no mandatory requirement to include an assessment of daylight or sunlight standards. However, the application does include several reports on these matters.
- 7.4.14. The Daylight Reception Report considers daylight standards for all habitable rooms within the proposed development. It states that the recommendations of the BRE Guide, BS EN 17037, and the CIBSE lighting guide 10 'Daylight and lighting for buildings' have been applied. I am satisfied that the tests for daylight as carried out are robust and are contained within documents that are considered authoritative on the issue of daylight.
- 7.4.15. Average Daylight Factor (ADF) is the ratio of total daylight flux incident on the working plane to the area of the working, expressed as a percentage of the outdoor illuminance on a horizontal plane due to an unobstructed CIE standard overcast sky. The BRE and the BS guidance sets out minimum values for ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The BRE guide does not give any advice on the targets to be achieved within a combined living/dining/kitchen area. However, BS guidance (2008) outlines that

where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and kitchen the minimum ADF should be 2%.

- 7.4.16. The applicant's study considers the predicted ADF to all the proposed ground floor rooms. I am satisfied that this provides a worst-case scenario for the lowest level of rooms where access to daylight would be most restricted. The assessment adopts the BRE and BS standards, including an ADF target of 2% for kitchen/living/dining (KLD) rooms.
- 7.4.17. The study shows that all 24 rooms assessed comfortably exceed the relevant standard. Given that these results represent a worst-case scenario at ground floor level, it also concludes that the first-floor rooms would achieve higher standards of daylight, thereby ensuring full compliance with the 2% target for living/dining/kitchen areas and the 1% target for bedrooms. I consider this to be a reasonable and acceptable conclusion.
- 7.4.18. The application also includes a Sunlight Reception Report which has been prepared in accordance with the recommendations of the BRE Guide, BS EN 17037, and the CIBSE lighting guide 10 'Daylight and lighting for buildings'. It considers sunlight reception in amenity spaces within the proposed development and is based on BRE guidance that 50% of such areas should receive in excess of 2 hours sunlight on the 21st March.
- 7.4.19. The report assesses 13 spaces, comprising a mix of shared amenity space and private decks/gardens. The analysis shows that all spaces will comply with the BRE standards, including a high exceedance of standards (6 hrs) for the largest central shared-surface 'amenity area'. I acknowledge that the ground level gardens for the detached properties have not been assessed and that they would experience overshadowing from the first-floor deck levels and adjoining houses. However, these spaces would receive sunlight from the east, south, and west at varying times of the day and the applicant's report has demonstrated that the associated deck levels would receive sunlight in accordance with BRE standards. Accordingly, I am satisfied that the proposed amenity spaces would receive satisfactory sunlight levels in accordance with BRE standards.

7.4.20. Having regard to the foregoing, I consider that the application includes a satisfactory assessment of daylight and sunlight standards for the internal and external spaces within the proposed development. I am satisfied that the proposal would comply with the relevant standards applied and that this would result in an acceptable level of daylight and sunlight for the prospective occupants.

Amenity Space

7.4.21. Objective 11.5 of the Development Plan outlines a minimum requirement of 48m² private amenity space for dwellings, although it may be acceptable to provide a smaller area where it can be demonstrated that good quality, useable open space can be provided. It also outlines other assessment factors including proportions, usability, density, context, orientation, enclosure, privacy, and the availability of public open space.

7.4.22. The 8 no. terraced houses have largely standard rear garden spaces, all of which meet the 48m² requirement and comprise a raised deck and a lower garden area. The spaces would receive good levels of sunlight and would benefit from good privacy and security.

7.4.23. The detached houses have a combination of a wraparound side/rear garden and a first-floor deck off the main living space. I estimate that all detached properties would have at least 60m² of private space, including the elevated deck areas (11m²). The detached houses have been designed to ensure that habitable room windows will not overlook any of the private amenity space. Therefore, the spaces will afford an acceptable level of privacy for the prospective occupants. I acknowledge that the configuration and arrangement of the spaces is unconventional and impacts on their usability and practicality. However, I consider that this is adequately compensated by the overall size of the spaces (<60m²), which comfortably exceeds the minimum for houses of any size (48m²) and would be considered generous for these smaller 2-bed (3-person) properties.

7.4.24. Having regard to the foregoing, I consider that the quantity and quality of private open space within the proposed scheme is acceptable.

7.4.25. With regard to public open space, Table 11.11 of the Development Plan outlines that provision will normally be required at a rate of 10% of the site area. It is noted that the appeal documents include a Landscape Design Strategy and Masterplan. It

outlines the proposal to create a central courtyard amenity space aimed at serving a multi-generational community. It would incorporate a shared surface for limited vehicle use but would be pedestrian/cycle centric and would incorporate active and passive amenity spaces for a variety of users. Extensive planting and furniture are proposed to create an attractive environment, and the principles of DMURS would incorporate high quality surface finishes to create a safe and usable space for residents.

- 7.4.26. I have estimated the areas of open space in the central courtyard portion of the site. Excluding the paved vehicular access route through this area, I am satisfied that the combined spaces to the east and west of that route would exceed 10% of the overall site area. I would also accept that there would be limited volumes of traffic on the site and that the vehicular access could successfully function as a shared amenity space, thereby further improving the quantity and quality of open space. Therefore, I would have no objections in this regard.

Conclusion

- 7.4.27. In conclusion, I am satisfied that the proposed development would provide an acceptable level of design, layout, and residential amenity for both internal and external amenity spaces. The layout is easily legible, including a central access leading to an enclosed courtyard which is suitably addressed by surrounding houses. The scheme has been designed to promote pedestrian/cycle priority in accordance with DMURS principles and will incorporate appropriate materials and landscaping.
- 7.4.28. I would acknowledge that the proposed terrace would be located within a restricted area to the rear of the site, resulting in the creation of a laneway on the eastern side of the terrace. However, this laneway is of reasonable width (c.4 metres) and is not excessive in length. It would not create a 'through' route and it would be suitably overlooked by the front windows of the terrace. Accordingly, I consider that an appropriate level of security and amenity is provided for this portion of the site.

7.5. Impacts on surrounding properties

Daylight/Sunlight

- 7.5.1. Objective 11.4 of the Development Plan states that the potential impacts of the proposed development on the amenities enjoyed by adjoining properties will need to be assessed in relation to all major schemes and where separation distances are reduced below those stipulated. The Sustainable Residential Development Guidelines state that overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. It states that planning authorities should require that daylight and shadow projection diagrams be submitted in all such proposals and the recommendations of BRE (BR 209) or BS (8206-2) guidance '*should be followed in this regard*'
- 7.5.2. As previously outlined, I note the updates to these BRE (BR 209) and BS (8206-2) guidance documents and I am satisfied that the applicant has completed assessments in accordance with authoritative standards.
- 7.5.3. In relation to adequate sunlight throughout the year for adjoining gardens and amenity spaces, the BRE guide recommends that at least half of such spaces should receive at least 2 hours of sunshine on 21st March. If as a result of new development this cannot be met, and the area which can comply is less than 0.8 times its former value, then loss of sunlight is likely to be noticeable.
- 7.5.4. The applicant's assessment considers 8 no. existing/permitted amenity spaces on adjoining lands. It demonstrates that all of these spaces would continue to receive at least 6 hrs of sun on 50% of their area on the 21st March, and that none of the existing sunlight levels would be reduced to less than 0.8 times their former value. Accordingly, I am satisfied that any impacts would be acceptable in accordance with BRE standards.
- 7.5.5. In relation to the impact of 'sunlight' on adjoining windows, section 3.2 of the BRE Guide outlines that obstruction to sunlight may become an issue if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window.

- 7.5.6. Having reviewed surrounding development, I consider that the proposed development would not oppose any residential windows that face within 90° of due south. Accordingly, I am satisfied that there are no likely significant sunlight impacts for existing windows and no further assessment is required.
- 7.5.7. With regard to daylight to existing windows, the BRE guide acknowledges that, in designing new development, it is important to safeguard the daylight to nearby buildings. The applicant's 'Effects on Daylight Reception Analysis' contains a 'light from the sky' (VSC) analysis for the windows of existing/permitted surrounding properties. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that a VSC greater than 27% should provide enough skylight and that any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building would notice the reduction in the amount of skylight.
- 7.5.8. The applicant's analysis shows that 17 of the 18 windows assessed would retain VSC values of at least 27% and none of these windows would experience a reduction to less than 0.8 times the former value. Window 'A' would experience a reduction to 23% or 0.79 times its former value. However, this is a dental office/lab window which would not be as sensitive to impacts as residential use would. Furthermore, the result would be only marginally below the accepted threshold of 0.8 times the former value and I do not consider the extent of non-compliance to be significant.
- 7.5.9. Having regard to the foregoing, I consider that the application includes a satisfactory assessment of daylight and sunlight impacts for surrounding properties. I am satisfied that the proposal would comply with the relevant standards applied and that this would not result in any unacceptable daylight or sunlight impacts for surrounding properties.

Overlooking

- 7.5.10. Section 11.101 of the Development Plan acknowledges that traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to

provide sufficient privacy and avoid overlooking of back gardens, but that best practice has since evolved, and lesser separation distances are often appropriate.

- 7.5.11. In this case, house nos. 1-5 have been designed to avoid any windows overlooking the adjoining properties to the east and north of the proposed development. To the southeast of the proposed development, I note that the rear garden of the existing dwelling would be overlooked by the close proximity of the east-facing first-floor bathroom and bedroom windows of the proposed terrace. However, it should be noted that this house is within the ownership of the applicant and proposals are included to use obscured glazing, except in the more elevated parts of the bedroom window. I consider that this satisfactorily addresses any privacy concerns.
- 7.5.12. To the south of the site, only 1 small bedroom window in the gable of house no. 13 would overlook a generally disused space associated with the Castlepark estate. I would have no privacy concerns in this respect. To the west of the site, the proposed development would adjoin the rear gardens of nos. 7-10 Carrigdenne. I note that the proposed site levels would be elevated at this point (c. 1 metre) and would incorporate a raised deck and first-floor west-facing bedroom windows. The rear façade of the terrace would be setback c. 8.5m from the shared boundary, resulting in a separation from the Carrigdenne properties ranging from c. 17-19 metres.
- 7.5.13. I acknowledge that this does not meet the traditional 22m separation distance, although it should be noted that this distance traditionally applied to opposing first-floor windows, which does not apply to the single storey Carrigdenne properties. Again, the majority of the first-floor glazing would be obscured as a mitigation measure. Together with the significant separation distances that would be retained, I am satisfied that this would avoid any unacceptable overlooking or privacy impacts on the Carrigdenne properties.

Overbearing

- 7.5.14. The Development Plan acknowledges that overbearing in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space servicing a home. I would accept that such overbearing impacts are largely generated as a result of the height and scale of a proposed development and its proximity to surrounding properties. Throughout this assessment I have outlined that the proposed development is not of

significant height and that it is adequately separated from surrounding properties. In such circumstances and having regard to the scale and character of existing development, I do not consider that the proposed development would have any unacceptable overbearing impacts on any surrounding properties.

Levels and boundary treatment

- 7.5.15. Third-party concerns were raised about the proposal to raise the existing site levels and the accuracy of level and boundary treatment details, particularly regarding site section drawing 'd-d'. Having reviewed the drawings and submissions received, and having inspected the site, I consider that the details submitted adequately reflect the relationship between the proposed development and surrounding properties. I do not consider that the raised site levels would have any unacceptable impacts on surrounding properties by reason of overlooking or overbearance. Details in relation to boundary treatment could be agreed by condition in the event of a grant of permission.

Conclusion

- 7.5.16. Having regard to the foregoing, I do not consider that the proposed development would detract from the amenities of surrounding properties in any significant or unacceptable way, whether by reason of daylight/sunlight, overlooking, overbearance, or otherwise. Accordingly, I have no objections in this regard.

7.6. Traffic and Transport

- 7.6.1. In an attempt to address the planning authority's traffic and transport concerns, the application proposes a car-free development. No car-parking has been provided for any of the proposed new houses, although a vehicular access is maintained to the existing dwelling to the southeast of the site and vehicular access for servicing/emergency vehicles would be accommodated.
- 7.6.2. In considering this car-free proposal, I am conscious of NPO13 in the NPF, which states that planning and related standards, including car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- 7.6.3. The Sustainable Residential Development Guidelines also discuss appropriate circumstances for car-free development. Section 5.7 states that they should be considered on 'brownfield' sites (within city or town centres). Section 7.6 also supports the creation of child- and pedestrian-friendly car-free areas.
- 7.6.4. At local level, the Development Plan contains several policies and objectives aimed at supporting sustainable travel modes, including SO3, section 2.57, and objective 4.4 (as outlined in section 5 of this report). Section 10.215 of the Plan specifically recognises that Ballincollig is very heavily car dependent with only 18% using green or public transport modes to commute to work and school. Section 4.106 outlines the approach towards parking for new development, including a maximum parking standard and car-free or low car standards in areas within 800m walking catchment area of Cork city centre and / or of quality public transport. Section 4.64 outlines that the proposed Light Rail Transit (LRT) system is a key enabler for car-free and low car development within its catchment in line with recent changes to government policy outlined in the NPF and Sustainable Apartment guidelines.
- 7.6.5. The Development Plan establishes four parking zones for the City with the aim of ensuring adequate residential parking/car storage and control of destination carparking (non-residential uses), whilst also allowing greater flexibility in car parking standards on sites well served by public transport. The appeal site is located within Car Parking Zone 2, which reflects areas that are or will be accessible to mass transit on the form of Light Rail Transit or BusConnects and encompasses most city suburbs (including Ballincollig). Table 11.13 outlines a maximum standard of 1 space per 1-2 bedroom residential unit. Therefore, the proposed development could accommodate a maximum of 16 additional spaces.
- 7.6.6. In terms of alternative travel modes, it should be noted that the appeal site is located along Ballincollig Main Street, which is clearly a main thoroughfare between Ballincollig and Cork City. It is within 100 metres of a bus stop which offers 24-hour services (route 220) running every 15 minutes at peak periods.
- 7.6.7. The area would also benefit from significant future investment in sustainable transport modes. Main Street is included as part of an identified primary cycle route

for which the Development Plan aims to provide medium long radial connections to key destinations across the Cork Metropolitan Area. It is also on the proposed BusConnects bus route (CBC 6 to City Centre via Mardyke), which would be part of a significantly increased bus network, bus priority routes and vehicles which aims to overhaul the public bus service across Cork.

- 7.6.8. In the wider area, it is aimed to provide an east-west Transport Corridor for the metropolitan area in the form of a new LRT. The route would run between Ballincollig and Mahon Point, and it is anticipated that it would be preceded by a high-frequency bus service between these areas. The indicative route is shown in Development Plan to be along the 'Link Road' / Carriganarra Road, approximately 500 metres south of the appeal site.
- 7.6.9. In conclusion on the principle of car-free development, I consider that there is an acknowledged high dependency on car transport in this area, which conflicts with local and national policy aimed at promoting sustainable transport options. And having regard to the brownfield nature of the site, its location adjoining the town centre, and the extent of existing and planned public/active transport options in the area, I consider that the principle of car-free development is acceptable on the appeal site. The application also includes comprehensive proposals for individual and communal bicycle parking within the site which would facilitate the proposed car-free approach.
- 7.6.10. As previously outlined, it is not proposed that the proposed development would be entirely free of vehicles. In this regard, the appeal includes a comparison of existing and predicted traffic volumes. It estimates that the two existing dwellings on site would account for 8 trips per day (4 in/4 out). With the removal of one house and the absence of car-parking for the proposed houses, the appeal estimates that the predicted scenario would involve 4 trips per day (for the retained dwelling), as well as any emergency vehicles and refuse truck collection (once per week). On this basis, I would accept that there would be no likely significant in traffic volumes at the site. Of course, this is dependent upon a strict prevention of car-parking within the site, and I am satisfied that this can be achieved.
- 7.6.11. I acknowledge that the appeal includes landscaping/furniture proposals to prevent parking, but I consider that additional detail is required. Proposals would need to

strike an appropriate balance between the need for physical parking obstructions (e.g. raised levels at road edges etc.) and the need to maintain the shared surface concept that has been proposed. This requires significant additional detail, which I am satisfied can be satisfactorily agreed with the planning authority.

- 7.6.12. The appeal also includes a comparison between the existing and proposed traffic layout, including traffic safety implications. In the first instance it is acknowledged that the existing layout includes two authorised entrances, which would be reduced to one as a result of the proposed development. I would also acknowledge that sightlines are restricted from the existing entrances (including the adjoining dental practice) and the proposed development would incorporate a wider entrance with road setbacks to increase visibility and footpath width along Main Street.
- 7.6.13. With regard to servicing and emergency vehicles, it is acknowledged that there is an existing baseline level of trip generation, and this would also be accommodated in the proposed development. However, having regard to the nature of such trips, it is not considered likely that there would be a significant increase in the volume and/or frequency of movements. I would also acknowledge that the current arrangements are not suitable to accommodate larger vehicles and that such vehicles are currently forced to stop on Main Street, thereby interfering with traffic flow and safety. The proposed development would improve this situation by accommodating an internal turning area for any infrequent servicing/emergency trips that would arise.
- 7.6.14. I acknowledge the planning authority concerns in this regard. The technical reports on the matter are brief and effectively conclude that any new access to facilitate vehicular movements at this busy junction cannot be accommodated in the interests of road safety. In response, I would note that the proposed development involves the replacement of two authorised entrance with one, and I do not consider there is a reasonable basis to conclude that there would be an increase in traffic volumes. Furthermore, the existing entrance arrangements would be significantly improved through the boundary setback to accommodate planned road/transport upgrades, to improve visibility along Main Street, and to facilitate off-street turning movements for servicing/emergency vehicles. Accordingly, subject to the prevention of on-site car-parking, I do not consider that the proposed development would interfere with the safety and free-flow of traffic, pedestrians and/or vulnerable road users at this location.

7.6.15. The proposed development would provide a sustainable car-free development at this central and accessible location, which would be consistent with local and national policies for housing and transportation. I would accept that alternative options for access are severely restricted by the presence of mature housing and commercial development to the west, south, and east of the site, and by the commencement of the permitted development on the adjoining site to the east (ABP. Ref. 306893-20). Therefore, a refusal to allow any access from Main Street would severely restrict the development potential of the site. I do not consider that this would be warranted on the basis of the existence of a busy junction, a problem which itself has been largely created through an overdependence on private car usage.

7.7. Other issues

7.7.1. The 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities' (May 2021) identifies planning conditions to which planning authorities and the Board must have regard in granting planning permission for new residential development including housing and/or duplex units (5 or more units). This is intended to prevent the bulk-purchase for market rental purposes by commercial institutional investors. The proposed development includes 16 no. dwelling houses, and as such, I consider that a condition restricting the occupation of the units to individual purchasers should be attached if planning permission is granted by the Board.

7.7.2. I note that the CCC City Architect's report queries the question of fire tender access to the terraced properties at the rear of the site. Standards in this regard are derived from the Building Regulations 2006 (Technical Guidance Document B – Fire Safety). Compliance with TGD B will be assessed under a separate legal code. The developer will be required to apply for a Fire Safety Certificate and that process will afford the opportunity to address compliance with TGD B in an appropriate and comprehensive manner. Therefore, I consider that the issue of compliance with Building Regulations need not concern the Board for the purposes of this appeal.

7.7.3. The CCC Area Engineer report raises concerns about future maintenance and recommends that a management company be appointed for future maintenance of roads, common areas etc. I am satisfied that this can be satisfactorily addressed by condition.

7.7.4. I note that third party and IFI concerns were raised about the layout, capacity, and extent of the foul sewer network and the lack of adequate detail. I am satisfied that adequate detail (i.e. MHL Engineering Services Report and associated drawings) has been submitted for the purposes of the planning decision and I would highlight that the development will be subject to further consultation with Irish Water as part of the connection agreement.

8.0 Appropriate Assessment – Screening

8.1.1. The Cork Harbour SPA (site code 004030) is the nearest Natura site and is located c. 10km to the east of the appeal site. There are several other designated sites in the wider Harbour area.

8.1.2. In terms of potential pathways, I note that there are no surface water courses in the immediate vicinity of the site. The nearest watercourse is the River Lee (c. 550m to the north of the site) and it flows into Cork Harbour. It is not proposed to discharge any emissions to the river and, therefore, any potential for impact is limited to construction stage run-off/emissions. However, the appeal site is a significant distance from the river, and I do not consider that there is any potential for impacting on the water quality of the river. There would be less still potential for downstream water quality impacts on Natura 2000 sites given the significant separation distance and hydrological buffer that exists.

8.1.3. It is proposed to connect the proposed development to the public water supply and the public surface water/wastewater drainage system. Given the limited scale of the proposed development, I consider that the effects on this infrastructure would be minimal and, accordingly, I do not consider that there would be any potential for indirect downstream effects on any associated Natura 2000 sites.

8.1.4. Therefore, having regard to the nature and scale of the proposed development within a serviced urban area and the separation distance to the nearest European sites, 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.

9.0 Recommendation

Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the pattern and character of existing development in the area, the design and scale of the proposed development, and the provisions of the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity or character of the area, would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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.

Reason: In the interests of clarity.

2. The development shall be constructed and maintained as a car-free development with no on-street or off-street car-parking spaces for the proposed new dwellings. Car-parking within the site shall be prevented in accordance with a scheme of embedded design mitigation measures, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and sustainable transportation.

3. The access road, central courtyard, and associated spaces shall be designed in accordance with the 'homezone' concept to comply with the Design Manual for Urban Roads and Streets (Department of Transport, Tourism and Sport & Department of Environment, Community and Local Government). Design details, including materials, finishes, and levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and traffic and pedestrian safety.

4. A comprehensive boundary treatment scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include precise details of existing and proposed boundary treatment.

Reason: In the interests of clarity and visual amenity.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of public safety.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including the construction access, traffic management arrangements, fuel and plant storage, and noise and dust management measures.

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

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department

of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

12. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works. Any alterations to the public road shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and

services shall be carried out to the satisfaction of the planning authority at the applicant's expense.

Reason: In the interests of clarity, public safety and amenity.

13. 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. The management and maintenance of the proposed access road following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for its future maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. (a) Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units 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 and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

18. 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 of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Ward
Senior Planning Inspector
22nd of December 2022