



An
Bord
Pleanála

Inspector's Report

ABP-313551-22

Development

Permission for the refurbishment and extension of two 1 bed existing cottages (14 and 15 Old Youghal Road) and the demolition of the existing public house (Cow Pub) and bookmakers (Boylesports) at 11/12/13 Old Youghal Road, Mayfield, Cork City and the construction of 13 residential units and all associated site works.

Location

11/12/13/14 and 15, Old Youghal Road, Mayfield, Cork City.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2140456

Applicant(s)

JVMIC Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions.

Type of Appeal

Third Party.

Appellant(s)

1. Maurice O'Connor.
2. Cllr Ted Tynan.

3. Donal and Mary Curtin.

Observer(s)

Teresa Barry.

Date of Site Inspection

13 April 2023.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The appeal site is located at numbers 11-15 Old Youghal Road, Mayfield, in the north eastern suburbs of Cork City. The site is large and rectangular and located on the southern side of the Old Youghal Road. The character of the wider area is that of terraced houses located close to the road, narrow footpaths and various changes in levels.
- 1.2. The site comprises two commercial business units and two residential units that align the street to the back of the footpath. The residential units are single storey and in poor repair. The commercial premises include a bookmakers and a public house between one and two storeys in height, both trading and well maintained. The yard areas to the rear are overgrown and include some mature trees. There is a fall in levels from the street to the north down to the southern portion of the site. Development in the vicinity is characterised by detached homes set in gardens, some are the result of later development in the rear gardens of older property. This means there are homes located along the boundaries of the site. To the south is Byefield Park, a small cul-de-sac of single storey bungalows that back on to the site.

2.0 Proposed Development

- 2.1. Permission is sought for the following development:
- The refurbishment and extension of the two existing one bed cottages (numbers 14 and 15 Old Youghal Road)
 - The demolition of the existing public house (Cow Pub) and bookmakers (Boylesports) at numbers 11/12/13 Old Youghal Road, and the construction of 13 residential units comprising: 9 terraced townhouses in two blocks and a three storey apartment block of 4 units (3 one bed and 1 one bed).
 - Bin Store.
 - Bike Store.
 - Public open space of 247 sqm.

Further information was sought with regard to a variety of factors. This resulted in a slightly increased height and roof profile for the apartment block, additional site

sections and road profile drawings were also submitted. In detail the apartment block at the road frontage portion of the site is provided with a pitched roof and the second floor apartment bedrooms are slightly reduced in floor area and dimensions in order to accommodate a revised roof profile. The overall height of the apartment block has increased from 9.17 metres to 10.32 metres on account of a pitched roof in place of a flat roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork City Council issued a notification to grant planning permission subject to 26 conditions.

Conditions are standard in nature and include technical requirements of the planning authority and development contributions required. Notable conditions include:

Condition 2 – install a 1.8 metre high screen around the first floor balcony.

Condition 6 – retain a 2 metre area free from development along the boundary with the Old Youghal Road.

Condition 23 – use of historically appropriate windows of timber construction in the refurbishment of numbers 14-15 Old Youghal Road.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Site and development description outlined together with a planning history for the site. The land use zoning is highlighted, zoned Z4 residential, local services and institutional uses, residential density for the site should be in excess of 75 units per hectare.

- Third party submissions are noted and issues include: built form and design, natural heritage and open space, services, parking and traffic, residential amenity associated with adjacent residences and procedural matters.
- Urban Roads and Street Design, Environment and Drainage all require further information.
- An EIAR, NIS and FRA are all not required.
- The loss of street front historic buildings is queried and not found to be desirable and the extent of trees and greenery to the rear could benefit from retention. The proposed density is acceptable however, the loss of historic buildings is not and a revised proposal should be considered.
- The proposed houses and apartments meet the requirements of the development plan and national guidance for same. Public open space falls just short of 10% and the internal area is dominated by roads.
- There are some concerns with regard to the existing amenity enjoyed by neighbours and these issues revolve around privacy, a side window to the cottages should be omitted and a site section should be submitted to assess overlooking.

Further information was requested as per the recommendation of the Planner.

Report 2

- Site cleared of vegetation, various reports submitted in relation to ecological survey and Bat report.
- Public open space remains unchanged.
- Cow Bar not to be retained.
- Revised drawings submitted to detail works to road.
- The retention of the cottages and the changes to the roofscape of the apartment block are welcomed. Section drawings submitted show no adverse impacts of overlooking to neighbouring property.

Grant Permission as per the recommendation of the Planner.

3.2.2. Other Technical Reports

Traffic. Regulation and Safety – no objections.

Drainage Report – further information required, no objections.

Environmental Report – no objections.

Environment Waste Management – details of waste management measures required.

Community Culture and Placemaking – further information required.

Infrastructure Development Report – no objections.

Conservation Report - no objections.

Contributions Report – no objections.

3.3. Prescribed Bodies

Uisce Éireann – no objections.

Inland Fisheries Ireland – no objections.

3.4. Third Party Observations

10 submissions were received and similar issues are raised as those contained in the grounds of appeal.

4.0 Planning History

4.1. Subject Site

PA reference 0731648 – permission for extensions to the public house.

PA reference 0428377 and ABP PL28-212571 – permission to demolish existing buildings and construct a betting shop, 2 no apartments, 2 no bungalows and retention of concrete block open yard enclosing wall of licensed premises.

4.2. Enforcement

Warning Letter E8403 issued. Site cleared of all trees.

5.0 Policy Context

5.1. Development Plan

The Cork City Development Plan 2022-2028 is the operative plan for the area. The site is located on lands subject to zoning objective ZO 1.

ZO 1- Sustainable Residential Neighbourhoods, the objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Relevant to this application for residential development, the following may apply:

Chapter 2 Core Strategy

Chapter 3 Delivering Homes and Communities

Chapter 4 Transport and Mobility

Chapter 11 Placemaking and Managing Development

Section 11.9 Apartment Design

Objective 11.4 - Daylight Sunlight and Overshadowing (DSO)

5.2. National Policy

5.2.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than urban sprawl is a top priority. A preferred approach would be compact development focussed on reusing previously developed, 'brownfield' land.

Objective 2a targets half of future population growth in the existing five Cities and their suburbs.

Objective 3a seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, while Objective 3b further seeks to deliver at least half (50%) of all new homes targeted in the five Cities and suburbs, within their existing built-up footprints.

Objective 8 sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. It emphasises compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building formats.

Objective 13 is that planning and related standards including building height and car parking in urban areas, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 seeks to increase residential density in settlements, through measures including infill development schemes, area or site-based regeneration and increased building height.

5.2.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

5.2.3. **Rebuilding Ireland: Action Plan for Housing and Homelessness**

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

The key action is to double housing output over the Plan period aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

5.2.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the appeal, the receiving environment, the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Architectural Heritage Protection Guidelines (2011)

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or directly adjacent to any Natura 2000 sites. There is a designated site located 2 km to the east, Cork Harbour SPA (site code 004030).

5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well below the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are three separate appeals with regards to the proposed development and they include:

1. Mr Maurice O'Connor – 24 Byefield Park, Mayfield.
2. Cllr Ted Tynan – 155 Silversprings Lawn, Mayfield.
3. Donal and Mary Curtin – Briar Root, 10A Old Youghal Road, Mayfield.

6.1.2. The grounds of appeal can be summarised as follows:

- Bungalows at Byefield Park are 20 feet below the ground level of the subject site, the proposed houses will lead to overlooking and tower over existing property.
- The density of development is too high and as a result unit 11 will badly overlook a conservatory and living room at 10A Old Youghal Road. The position of a bin storage area is too close to a bedroom and is very concerning.
- Surface water drainage and the need for a pumped sewerage system may lead to flooding of downslope property if not properly maintained or during a power cut.
- Surface water drainage plans for the site could impact the boundary of sites with Byefield Park.
- Tree felling and spread of an invasive species – Japanese knotweed, has disimproved the site and militates against the full implementation of condition 4 that calls for the retention of trees.
- The Old Youghal Road is not safe, heavily trafficked and frequently suffers from congestion, and car parking issues due to schools in the area. Together with existing development (such as Ard Bhaile), the proposed development will make matters worse in terms of traffic volumes and could pose a traffic hazard. The site does not provide adequate parking and this could lead to traffic flow issues and problems for public transport. A Roads Report was not submitted with the application and this is seen as necessary to assess traffic issues.
- The village setting of Mayfield will be negatively impacted upon by the proposed development, the existing road is narrow and the loss of two viable businesses is undesirable.

The grounds of appeal are supporting by photographs showing overlooking concerns and traffic congestion.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

6.4.1. A single submission has been received from Teresa Barry of 23 Kerry Road, Mayfield and can be summarised as follows:

- Trees have been cleared from the site and a warning letter has been issued.
- Problems have been encountered trying to access planning files.
- There have been two earlier refusals of permission for the appeal site; TP01/25324 and TP01/242398.
- The pumping of sewerage and storm water off site is not acceptable, given energy demands in general and could lead to flooding if infrastructure fails.
- Initial submission of 28 September 2021, should be noted.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of development
- Residential amenity
- Parking, Traffic and Transport
- Village Setting
- Trees and Landscape design
- Loss of Commercial Services
- Water Services
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The Cork City Development Plan 2022-2028 is the relevant statutory plan for the area. The zoning objectives for the area are set out in the City Development Plan. The site is zoned 'Z 01' Sustainable Residential Neighbourhoods, with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. The development plan states that residential is one of the primary uses at these locations and goes on to state that proposals should generally respect the character and scale of the neighbourhood in which it is situated.
- 7.2.2. The planning authority acknowledge that a residential development at a density of 59 units per hectare is acceptable on this infill site. Some appellants note the high number of units and do not accept that they can be comfortably accommodated at this location and that the scale of the development brings with it other issues to do with amenity.
- 7.2.3. In terms of the principle of residential development at this location, I note that the development plan supports residential uses and in this respect the development of

the type proposed would be acceptable. I am satisfied that residential development at this location is entirely satisfactory subject to the policies and objectives of the statutory plan for the area. Specifically, Objective 3.5 of the Development Plan that supports higher residential densities, subject to high-quality architectural, urban and public realm design. In this regard, I note that the residential density proposed on this site of 0.254 ha, is 43 units per hectare (gross), a higher residential density development than in the surrounding area. Consequently, there are a number of issues that formed the basis of the grounds of appeal and these are addressed in the following sections of my report.

7.3. Residential Amenity

- 7.3.1. The site is rectangular in shape, with road frontage to the north. On the eastern, southern and western boundaries of the site are residential properties. All the residential properties in the vicinity are detached houses set in large private gardens, with the exception of 10 Old Youghal Road, it forms part of the streetscape. Located to the east is a long linear site with a bungalow style house, the occupiers have appealed and submitted photographs to illustrate their concerns. To the south is located a cul-de-sac of single storey houses, the estate is known as Byefield Park and the occupier of number 24 lies directly adjacent to the site and has also appealed the decision to grant permission. The site slopes downwards to Byefield Park and this appellant has stated that the change in levels intensifies his concerns. Other appellants that raise issues about residential amenity have indirect concerns about the site and they include matters to do with overlooking, overbearing appearance and boundary concerns. Appellants have also raised issues with regard to water services, car parking and traffic, these matters are dealt with individually under the relevant sections of my report. In terms of residential amenity and issues of overlooking, overbearing appearance and boundaries, I deal with each item as it impacts residences in the vicinity along the Old Youghal Road, Byefield Park and Kerry Road.
- 7.3.2. Old Youghal Road – the occupants of 10A Old Youghal Road have concerns that their privacy will be lost because, planned housing will directly overlook their conservatory, photographs are submitted to illustrate the point. Other residences along Old Youghal Road have not raised any issues, I note that number 10 Old Youghal Road abuts the site and aligns with the rear building line of the apartment

block, section D-D and the Key Plan submitted as further information show this. I anticipate no issues of residential amenity loss to arise with respect to number 10. Number 15A Old Youghal Road, to the west of the cottages to be refurbished, will not in my opinion raise any adverse residential amenity impacts. This is because these cottages and their gardens already exist, and their refurbishment will improve the character of the area without adversely impacting neighbouring houses. I note revised drawings were submitted by the applicant as a response to further information, in order to address concerns of overlooking and a window was shown as to be omitted.

- 7.3.3. The only substantive issue along the Old Youghal Road is the impact upon number 10A, it is a bungalow constructed to the rear of number 10 and aligns with the eastern boundary of the site. The proposed terrace of townhouses that align the eastern boundary of the site will have first floor windows that provide light to a bathroom and landing, units 7-10, drawing 17004/P/102 refers. Units 7-10 are off set from the boundary by 8 metres in order to provide a back garden. The change in level between number 10A varies as both sites slope southwards and cross sections submitted do not show any significant variation between the appeal site and number 10A. The nearest townhouse to number 10A is site 10 and it sits at a right angle to the ridge line of number 10A. Given that the upper floor windows of site 10 comprise a bathroom and a landing, I have no concerns that overlooking would result from site 10 or any other unit in this block.
- 7.3.4. The terrace of townhouses (sites 11 – 15) that align the southern portion of the site, face northwards and provide two bedroom windows at first floor level. The layout drawings show that site 11 will be located closest to the rear of 10A, its conservatory and terrace. I note that the conservatory extension comprises a slate roof and it is therefore unlikely that there would be any direct overlooking downwards from site 11. I note that section A-A illustrates the relationship between 10A and terrace 11-15. Though site 11 is close to the boundary, I am satisfied that the siting at a right angle and orientation of windows is sufficient to ensure that any undue overlooking would not occur.
- 7.3.5. In terms of overbearing appearance, I note that 10A is located close to its own boundaries along its long side elevations, the boundaries comprise high concrete block walls. Both terrace blocks have been identified as presenting an overbearing

impact to 10A. Section A-A is informative in this respect, and I acknowledge that at present nothing occupies the site and the imposition of a block of townhouses will be a new addition to an outlook that is currently open. However, given the urban setting and the benefits of developing this infill site, I am not overly concerned that any great impact from an overbearing appearance will occur. This is because number 10A will still enjoy an open outlook to the south and the ridge line of site 11-15 will be 2.13 metres above that of 10A, section A-A refers.

- 7.3.6. I note that the occupiers of 10A have not raised any issues to do with loss of natural light or overshadowing, the applicant and planning authority have not identified it as an issue either. The Cork City Development Plan highlights daylight/sunlight and overshadowing as an issue to consider when urban densities are higher than 40 dwellings per hectare, objective 11.4 refers, this site of 0.254 ha, is 43 units per hectare (gross). The Board may wish to consider this issue further. However, I am satisfied that existing residential amenities enjoyed by 10A will not be significantly interrupted by the development as proposed. This is because, an open south east and south aspect will remain and allow direct sunlight to penetrate habitable rooms and amenity areas (the conservatory, rear garden and terrace).
- 7.3.7. Byefield Park – a cul-de-sac of single storey house lies to the south of the site and at a lower level. 24 and 25 Byefield Park will find themselves set between 2 and 4 metres below the finished garden level of sites 11-15, section B-B refers. 24 Byefield Park will be 21 metres from the rear elevations of site 11, 12 and 13. 25 Byefield Park is off set on its site and hence is closer to sites 14 and 15. I note that the applicant has provided 11 metre stepped rear gardens to sites 11-15. The appellant from Byefield Park has cited concerns of overlooking and an overbearing appearance, and issues with the current boundary treatment. Submissions on the planning application from residents of Byefield Park are also noted.
- 7.3.8. In terms of boundary treatment, I note that the applicant proposes to erect a 2 metre high boundary wall where none exists and this is acceptable. The proposed townhouses at sites 11-15 will have a ridge height of just over 9 metres and be located over 21 metres from the rear elevation of number 24 Byefield Park. I acknowledge that the townhouses will be raised up at a higher level and this increases the perception of both overlooking and an appearance of overbearing. However, the form of building proposed, in this case domestic scale townhouses and

the distance from the houses at Byefield Park will help to militate against these impacts. I accept that the appellant will perceive the development as an impact to their residential amenities, but in my mind such an impact will be minor and is therefore acceptable in this urbanised setting.

- 7.3.9. No issues to do with sunlight, daylight or overshadowing have been identified and I would expect that the development that is located to the north would not adversely impact the path of direct sunlight to housing at Byefield Park.
- 7.3.10. Kerry Road – this road lies a distance west of the site and a large, detached house set on its own grounds abuts the western boundary of the appeal site, 23 Kerry Road. Open space is planned on the western side of the site and townhouse site 15 is located over 19 metres east and broadly aligns with number 23 Kerry Road. I do not anticipate that any adverse impacts upon the residential amenities of 23 Kerry Road will result from the development as proposed.
- 7.3.11. Other submissions from residents along Old Youghal Road and further afield were received on the initial planning application, but I do not anticipate any adverse residential amenity impacts for the wider area in this urban part of Cork City.
- 7.3.12. Bin Store - The location of a bin store along the eastern boundary and close to number 10A Old Youghal Road could result in issues to do with noise and odour. Appellants have raised issues with the location of the bin store, in my view a more appropriate location should be centralised in the proposed scheme. Away from being in such close proximity to existing residential units as it is proposed in the drawings submitted. A revised layout should be submitted prior to the commencement of development and I suggest that an appropriate location in the open space would be more acceptable.
- 7.3.13. Balcony Screen – I note that the planning authority recommend that a balcony screen of 1.8 metres and either solid or of opaque glazing be attached to the apartment. This is to prevent any adverse overlooking towards adjacent property. I note that the drawings submitted by the applicant do not clearly show what type of screening would be applied to the balcony to the rear of unit 05, on plan a vegetation screen is shown but on elevation no details can be discerned. On balance, it is appropriate to require this detail and a 1.8 metre high screen would not be excessive, an appropriately worded condition should be attached if permission were to be granted.

7.3.14. Given the foregoing, the reports and drawings prepared by the applicant and the grounds of appeal lodged by the appellants, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area, subject to the minor alterations I recommend.

7.4. Parking, Traffic and Transport

7.4.1. Appellants and observers have raised issues about the development and its impact upon traffic and public transport in the area. Other concerns are that ad-hoc car parking will occur because of the poor design and lack of spaces provided in the scheme. Appellants have supplied photographs to illustrate traffic congestion in the area, during the day and at school drop-of and collection times. I note that the Traffic, Regulation and Safety Report of the Council raised no issues and recommended a grant of permission subject to conditions. In addition, the Infrastructure Development Report (Public Transport) of the Council identifies that Cork City is redesigning public bus services and the Old Youghal Road has been identified for greater bus frequency. No finalised designs are yet available, but a 2 metre zone, free from development as measured from the public road is requested. Finally, the Urban Roads and Street Design (Planning) Report, sets out conditions to be applied should permission be granted. I can see that the planning authority have no concerns when it comes to public transport, traffic, parking and public realm, that cannot be addressed by condition.

7.4.2. I note the issues raised by appellants and the submissions on file about traffic in the area and the nature of the Old Youghal Road. With respect to the internal layout of the scheme and the concerns raised by third parties that road widths are deficient, car parking inadequate and will lead to a traffic hazard. I am satisfied that the development has been designed in accordance with current standards (DMURS) and note the contents of the reports prepared by the planning authority in this regard. From my observations of the site and the area in general, I acknowledge that traffic and on street parking presents issues to free flowing traffic. However, this is an urban area, with a mix of residential property, commercial units and schools, and it cannot be expected that vehicles will pass through an area without hindrance. In

fact, a good part of modifying driver behaviour and traffic speed is the need to slow down and take care, this results in a safer street environment for more vulnerable road users. In this respect, I refer to the Design Manual for Urban Roads and Streets that sets down a hierarchy of road users, and places the private motor car as the least important to cater for in urban areas such as this.

- 7.4.3. I am in complete agreement with the requirements of the planning authority with reference to the subject appeal and with the attachment of conditions as necessary, the traffic environment in the area will be manageable and public transport can be supported to operate more efficiently. As for car parking, I note that the planning authority seek a cap on car parking spaces, condition 10 refers. Such a cap is entirely reasonable in the interests of encouraging more sustainable modes of transportation, such as walking, cycling and taking the bus.

7.5. Village Setting

- 7.5.1. Appellants and observers are not satisfied that the type of development proposed would support the village setting of Mayfield Village. Issues include the narrowness of the road, access and egress, these matters have already been found acceptable in terms of traffic safety. The main contention is that the loss of historical buildings, such as the public house and bookmakers unit, would affect the setting of the area. In this regard, I note that the planning authority requested further information in order to assess the impacts on the architectural heritage of the area. Broadly, the applicant selected to adapt the roof profile of the apartment building in order to fit in with the character and scale of the area, from a flat roof to a pitched roof. The planning authority found this to be acceptable and permission was granted.
- 7.5.2. This portion of the Old Youghal Road is defined by its narrow road and footpath, with a terrace of storey and half cottages and the historic buildings on the subject site. None of these buildings are listed on the Record of Protected Structures and the area is not an Architectural Conservation Area. The applicant references an Architectural Heritage Impact Assessment prepared by John Cronin. This report examines the value of the buildings to be demolished in the context of the existing architectural character of the wider area. The report concludes that the demolition of the Cow Bar is warranted because the original fabric has undergone changes over the years and little remains of the original building. Building A (betting office) is a

modern building of little architectural merit, it will be no loss in architectural terms. The retention of the cottages is recommended in the report and they form a core part of the overall scheme.

- 7.5.3. In my view, the area has undergone changes in the past and whilst the remaining buildings (Cow Bar and betting office) in the immediate vicinity do add character, the architectural statement they make is not considered strong enough to require statutory protection in the current Development Plan. The removal of the Cow Bar and betting office has been examined in the Architectural Heritage Impact Assessment prepared by the applicant and I agree with its findings. The planning authority find the overall design of the scheme to be acceptable, after changes were made to roof profiles. I note that a more frequent bus service is envisaged for the Old Youghal Road, and this will inevitably require changes in the public realm. I am satisfied that the proposed development will add to the character of the area and importantly will improve the public realm along its frontage with the street, this is to be welcomed.

7.6. Trees and Landscape Design

- 7.6.1. Appellants and observers are surprised that the site that had once accommodated a profusion of mature vegetation, trees and associated wildlife, was cleared. Furthermore, questions are raised in relation to planning conditions that require the retention of trees and whether enforcement action should follow. An observer has referenced the report prepared by them in the initial planning application stage, and I have had regard to its contents. It is suggested that a full tree survey and ecological impact assessment should have been done before an application was lodged. The planning authority also showed concerns about the loss of mature vegetation and the provision of adequate public open space was queried.
- 7.6.2. Whilst a full tree survey would have been helpful in designing a layout around its positive features, such as mature trees and shelter belts, that time has passed and the site is now more or less cleared. In response to a further information request, a belated tree survey was carried out by Holly Arboriculture and given the mixed poor to fair condition of most trees on site only one tree is to be retained and two to be removed, FI drawing number 17004/P/006 refers. The report goes on to state that the condition of many trees on site were unsafe and their removal is necessary to

make the entire site safe. Finally, I note that Japanese Knotweed has not been found on site.

7.6.3. The appeal site is an urban infill site that has been neglected for years. The growth of vegetation has been allowed to take place without management. It is not surprising that some vegetation will be required to be removed in order to accommodate a higher residential density in this urban location. The loss of trees is regrettable, but I am satisfied that the proposed open space is located in the correct location and will include new trees, that will in the future provide a partial restoration of the sylvan character of these lands. A revised landscape plan should be prepared and include a detailed schedule of appropriate trees of a semi mature stature.

7.6.4. Some concerns were raised about the loss of habitat for wildlife as this site becomes developed. The appellant prepared an Ecological Impact Assessment Screening report prepared by Dixon Brosnan Environmental Consultants, dated March 2022. The report notes that Annex 1 habitats were not recorded on site and nor were protected species found, the site is classified as buildings and artificial surfaces with treeline, spoil, bare ground and recolonising bare ground. Bats were not recorded on site and the existing buildings and overall site are considered to be of low to moderate value as a potential foraging and roosting habitat. The report recommends that given the low habitat value of the site, standard best practice construction methods are sufficient. Prior to demolition a Bat specialist will undertake an examination of the buildings and recommend appropriate measures as they arise. Tree felling will be undertaken outside of bird nesting times and invasive species control will take place. I am satisfied that the Ecological Impact Assessment Screening report prepared by the applicant is thorough and presents appropriate measures as they arise before and during construction, an appropriately worded condition should ensure that these measures are carried out and adhered to.

7.7. Loss of Commercial Services

7.7.1. Appellants note that the loss of two commercial units, a pub and a bookmakers office will be a loss for the community and reduce the viability of the village. On the day of my site visit, I observed that both premises were open for business. Whilst the loss of two businesses might be regrettable, I note the area is well served by a fully functioning neighbourhood centre at the junction of Old Youghal Road and the North

Ring Road 200 metres to the east. Another public house and a parade of shops is located at the junction of Old Youghal Road and Kerry Road, less than 80 metres to the west. I find that the area is well served by commercial and retail premises and the loss of a pub and bookmakers will not adversely affect the accessibility of the community to such services into the future.

7.8. Water Services

- 7.8.1. An observer has referenced the report prepared by their Chartered Engineer as part of the initial planning application stage, and I have had regard to its contents. In addition, appellants have outlined concerns with regard to the existing sewerage network in the area and that new development will adversely impact the current system. At the outset, I note that Irish Water have confirmed that both water supply and wastewater connections are feasible without infrastructure upgrade by Irish Water, correspondence dated 12 October 2021 refers.
- 7.8.2. It is proposed to connect the development to an existing 225mm combined sewer along the Old Youghal Road via a pumping station within the proposed green area. Appellants have concerns about this arrangement and are worried that a pump failure could result in flooding. Uisce Éireann raise no technical issues in this regard.
- 7.8.3. In terms of water supply, the applicant proposes to supply water through an existing 100mm watermain on the Old Youghal Road and Uisce Éireann raise no objections to this proposal. I am satisfied that an appropriate condition can address the technical matters raised by Uisce Éireann and there is no substantive reason to refuse the subject proposal. Uisce Éireann confirm that water services connection to the development is feasible without any upgrades. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.
- 7.8.4. Surface Water Management - The applicant states that the stormwater from houses will drain to on site soakaways and that the remainder of surface water from roads will drain to soakaways located in the open space, drawing 21053-FI-03 clarifies the surface water drainage strategy for the site. In response to further information required in relation to surface water management, I note the planning authority drainage report of 29 March 2022 finds the material submitted acceptable. As for the concerns raised by appellants with regard to surface water management and the

likelihood of flooding to properties located to the south. I am satisfied that the information sought and approved by the planning authority addresses the concerns raised by observers and appellants. I am satisfied that the applicant has prepared sufficient material to demonstrate the proposed surface water management strategy is acceptable and that further detailed design matters can be agreed with the planning authority. Specifically, I note the concerns raised by appellants with respect to on site drainage and the implications for existing and proposed boundary walls. In this instance it would be appropriate to require detailed drawings to address and specify construction methodology for boundary walls and whether retaining walls are necessary.

7.9. Appropriate Assessment

- 7.9.1. The subject site is located approximately 2 kilometres west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and 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

- 8.1. Having regard to the foregoing I recommend that permission for the above described development as amended by further information received by the planning authority dated 22 March 2022, be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site in the Cork City Development Plan 2022-2028, to the design and scale of the proposed development, to the infill nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, would not endanger public health, and would comply with the relevant provisions of the Cork

City Development Plan 2022-2028, the National Planning Framework, and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of March 2022 and by the plans and particulars received by An Bord Pleanála, 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 interest of clarity.

2. The proposed development shall be amended as follows:

- (a) A suitably designed balcony screen of at least 1.8 metres in height shall enclose the balcony of apartment unit 05.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. The following requirements in terms of traffic and street design shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development:

- (a) no development to occur within 2 metres of the Old Youghal Road.
- (b) The proposed design of footpaths and any connections along the Old Youghal Road shall comply with the technical requirements of the planning authority.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (d) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings and the window joinery of those cottages to be retained and refurbished shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

6. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

7. Drainage arrangements including the attenuation and 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 and surface water management.

8. Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes,
- (e) a revised location for the proposed bin store, the bin store shall be located within the open space and not interfere with proposed surface water soakaways.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

10. All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
- (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

11. No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To prevent damage to the root systems of trees.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

13. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

14. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable

materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. The construction of the development shall be managed in accordance with a Construction and Environmental 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:

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.

j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.

l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

Reason: In the interest of amenities, public health and safety.

17. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures set out in the Ecological Impact Assessment Screening Report, and the Construction and Environmental Management Plan.

Reason: In the interest of amenities, public health and safety.

18. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste 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, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, 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. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

19. 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.

20. Prior to the commencement of any house or duplex unit 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 or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex 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.

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.

21. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

17 August 2023