



An
Bord
Pleanála

Inspector's Report

ABP-313838-22

Development	Demolition of shed and construction of 24 houses
Location	Cill Mhuire, Marmullane, Pembroke [Townland], Passage West, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	215478
Applicant(s)	TFT Construction Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	First and Third Party
Appellant(s)	TFT Construction Limited. Stephen Matthews
Observer(s)	Hugh Barriscale & Others Stephen Matthews Cllr. Marcia Dalton Cllr. Seamus Mc Grath Robert and Orla Preston

Martin and Fiona Hughes
Darragh and Vicky Connolly
Liam Nolan and Caroline Harper
Ken Treacy
Aoife Culliton
Helen Stapleton and Chris Dunn
Justine Hennessy
Pat and Callie Walsh
Betty Marzuki
Johnathan and Kate O'Donovan
Sean and Christina Manning
Tina O' Sullivan
Ken and Kathryn Murphy

Date of Site Inspection

21st of February 2024.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site is located at Cill Mhuire, Marmullane, Pembroke in Passage West, Co. Cork. The site, with a stated area of 1.279ha, comprises an overgrown greenfield site. The site is currently occupied by stockpiles of materials and building material. A derelict shed is located in the northwestern area of the site. The north western portion of the site includes an overgrown and wooded escarpment. The site increases in height from a west to east direction.
- 1.2. Access to the site is currently provided via Church Hill via the estate roads of Beechcourt and Cill Mhuire. The site is located at the end of an established cul de sac that serves a small residential development of 12 units at “Cill Mhuire”. A gated entrance is provided to the site from Cill Mhuire. To the immediate south the site is adjoined by established housing estates at Hillcrest and Bloomingdale. The site connects to Cemetery Road to the north via lands in the ownership of the applicant.
- 1.3. The site is surrounded by residential development. Ard Chuain is located to the northeast. Hillcrest and Bloomingdale to the south comprise predominantly single storey dwellings, while the Pembroke development and Ardmore estate at a lower level to the west and northwest, comprise a mixture of dwelling types.
- 1.4. St. Mary’s cemetery lies to the northwest, accessed through Ardmore Estate. There is also a detached dwelling to the west of the site at the base of the escarpment, through which site there is an agricultural access to the site.

2.0 Proposed Development

- 2.1. The proposed development, as revised in response to Cork County Council’s request for further information and clarification of further information, comprises of the demolition of an existing shed and construction of 22 no. dwelling houses and all associated ancillary development works including access roads, parking footpaths, drainage, landscaping and amenity areas.
- 2.2. Access to the site is proposed via Cill Mhuire. The proposal seeks connection to existing water and wastewater infrastructure in the vicinity of the site.
- 2.3. The table below provides a summary of key site statistics.

Site Area		1.279ha gross
No. of Units		22 no. units
Unit type		22 no. houses
Unit mix		2 no. 4 bed units, 18 no. 3 bed units, 2 no. 2 bed units.
Density		17 units per ha.
Height		Split Level and 2 storeys
Open Space		240 sqm neighbourhood park
Car Parking		2 no. in curtilage spaces per unit

2.4. The initial application was accompanied by the following documentation:

- Application Cover Letter
- Completed Application Form and Public Notices
- Application Drawings

2.5. The following information was submitted in response to CCC's request for further information:

- FI Response Cover Letter
- Revised Drawings
- Photomontages
- Construction Management Plan

2.6. The following information was submitted in response to CCC's request for clarification of further information:

- CFI Response Cover Letter
- Revised Application Drawings

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork County Council issued a notification of decision to grant permission for the development in accordance with the following reasons and considerations:

Having regard to the development plan objectives for the area and the pattern of development in this rural area, it is considered that subject to compliance with conditions attached in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and, therefore, would be in accordance with the proper planning and sustainable development of the area.

- 3.1.2. The decision of the planning authority to grant permission for the development was subject to 39 no. conditions. The following conditions are of relevance to the grounds of appeal.

Condition no. 3

- The site layout for the proposed development submitted on 28/04/2022 shall be amended in the following respects:- (a) unit numbers 13 to 16 including the pathway west of no.16 shall be omitted, (b) unit numbers 29 to 34 shall be omitted, (c) The areas released by the omission of (a) and (b) shall be subject to separation planning application for single storey housing units only. - and, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised drawings, at a scale of 1:500 making provision for the above requirements shall be submitted to and agreed with the Planning Authority.

Reason: In the interests of residential and visual amenity.

Condition no. 6

- The proposed path running from the northern side of the proposed site through to Cemetery Road shall be fully constructed and operational prior to occupation of any residential unit.

Reason: In the interests of orderly development.

Condition no. 35

- The existing shed on site shall be demolished no longer than 8 weeks after the completion of the proposed dwellings.

Reason: In the interests of orderly development.

Condition no. 36

- Notwithstanding any details submitted with the planning application in relation to boundary treatments, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, details of the boundary treatments surrounding and within the development shall be submitted and agreed in writing with the Planning Authority. These details shall provide for the following:- (a) the provision of a two metre high wall or agreed written alternative between the rear gardens of opposing properties, (except that with regard to those rear gardens addressing shared private space, a pedestrian gateway through the said wall shall also be provided). (b) the provision of a 2 metre high wall in materials consistent with the external finishes of the adjacent/adjoining structures, along boundaries between any public open space, public road, or public footpath and a residential property, (c) details of a suitable boundary treatment along the dividing property line between adjoining dwellings, and (d) proposed treatments for any other boundaries not covered in the above.

Reason: In the interests of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report Primary (20/07/2021)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- No objection to the principle of residential development on the site.
- The report outlines that the elevated and exposed siting of the site, coupled with the sites topography make the realisation of a density 35+ dwellings to the

hectare as set out in the Sustainable Residential Development in Urban Areas Guidelines very difficult to achieve on the subject site, without a significantly different design approach, and a significant change in the housing / unit mix.

- The report outlines that matters including topography, visual impact, access, capacity of the existing road network etc also need to be given due consideration, and in this regard the report outlines that a denser scheme should be not be sought in this case.
- The planner's report refers to the planning history pertaining to the site and outlines that the improvements to the road network within Beechcourt and at the junction of Beechcourt with Church Hill have not been implemented by the developers as part of the site development works engaged in for 13/5607 / PL04.242980. An update on the status of these works is recommended.
- The planner's report outlines that the layout and design of individual units responds poorly to the site's context including the established pattern of development in Cill Mhuire and neighbouring estates.
- The report raises concern in relation to the height of the two storey dwellings proposed and their compatibility with existing development.
- The report raises concern in relation to the quality of the submitted site layout, the siting of houses within zoned open space land and provision of areas of incidental open space within the scheme.
- The report recommends a request for further information in relation to a number of issues including:
 - The capacity of the existing access to accommodate the development and outstanding works to the Beechcourt development, :
 - Provision should be made for a pedestrian / cycle link extending through Cill Mhuire and facilitating connectivity with Cemetery Road, similar that that indicated under 13/5607.
 - Revised proposals which do not provide dwellings / private amenity space on land zoned for Open Space purposes.

- A revised and more considered design approach is required, with dwellings amended to single storey or single storey with attic accommodation type dwellings and a greater dwelling mix
- The submission of a Visual Assessment to reflect the amended design response, when viewing the site from the R610, to enable the Planning Authority to appropriately address the amended design response.
- Revised proposals are required to improve the quality of the site layout and in particular to improve the quality of the public open space. A revised landscaping plan is requested.
- Submission of a Construction Management Plan.
- Update on the status of an existing retaining wall on site.

Senior Executive Planner's Report (20/07/2021)

- The report outlines that the report should be read in conjunction with the Area Planner's Report.
- The report outlines that there is no objection to residential development on the site given the zoning designation and planning history of the area.
- The report outlines that the site characteristics, elevated and exposed, topographically challenging and somewhat remote from the centre of Passage West would not lend itself to a higher density scheme.
- The report raises concern in relation to the layout of the proposal which it is stated appears to be largely engineering driven.
- In terms of access, the report cross refers to the report from the Area Engineer and Estates Engineer. The report outlines that there are history issues relating to unimplemented improvements associated with previous permissions.
- A request for further information is recommended.

Area Planner's Report on FI Response (04/04/2022)

The Area Planner's Report provides a summary and assessment of the applicant's FI response. The report outlines that the applicant's response to a number of the FI Items

is not acceptable. The report recommends a request for clarification of further information in relation to the following points:

1. Item 2 – Submit fully detailed proposal for a pedestrian and cycle path from the proposed site through to Cemetery Road.
2. Item 3 – provided pedestrian and cycle connectivity from Hillcrest/ Bloomingdale through the proposed site. The intention is to provide connectivity from these estates through to Cemetery Road.
3. Item 4 – The planner’s report outlines that the revised layout does not address the concerns raised about the level of intervention into existing ground levels, the creation of a new embankment/platform to accommodate two houses, the resulting maintenance, safety and visual amenity issues and the poor relationship with the adjoining open space.
4. Item 5 - The Planning Authority reaffirms its assessment that the two storey dwellings are out of character with the pattern of development in the immediate vicinity of this elevated and exposed hillside site, would be visually obtrusive, would detract from the visual amenities of the area and would not fit appropriately into the urban high value landscape. They also do not integrate well with the Cill Mhuire development. A revised and more considered design approach is required, with dwellings amended to single storey or single storey with attic accommodation type dwellings as per item 5 of the original further information request.
5. Item 6 - Revised proposals to improve the quality of the site layout and in particular to improve the quality of the public open space.
6. Item 17 - it is noted that Section D-D appears to show that the retaining wall at the rear of sites 1 to 6 Cill Mhuire is wholly within the red line application boundary of the current site.

Senior Executive Planner (04/04/2022)

- The report recommends clarification of further information in relation to a number of design and layout items in accordance with the Area Planner’s recommendation.

Area Planner’s Report on Clarification of Further Information (24/05/2022)

The report provides a summary and response to the applicant's response to the request for clarification of further information. The following key points are of relevance.

- The planner's report refers to the applicant's response to Item 2 of the request for clarification of further information. The report notes the provision of a pathway between units 16 and 17 but questions whether the applicant has control or consent to provide this pathway. The report outlines that units 13 to 16 require further revision and should be omitted. A properly integrated pathway should be provided as part of any future application for this area of the site.
- In terms of the applicant's response to Item 4 of the request for CFI, the report outlines that the proposal remains out of character with the existing Cill Mhuire Estate and considers that only single storey houses should be provided on sites 29-34 and sites 13-16. It is stated that this will ensure that the development will not be visually obtrusive in views of Passage and that the overall estate reads as one with good design flow. The report recommends the omission of these dwellings and outlines that only single storey dwellings will be provided for on these sites.
- The report refers to the reduction in unit nos. from 24 as originally proposed to 22 within the applicant's CFI response. It is stated that the lower density is noted but given the challenging physical characteristics of the site is deemed necessary.
- The report recommends a grant of permission subject to conditions in accordance with the planning authority's decision.

Senior Executive Planners Report on Clarification of Further Information (25/05/2022)

- This report outlines that there remain outstanding issues in relation to connectivity between the proposed estate and neighbouring estate, and proposed house types. The report recommends the omission of units 29-34 and 13-16. Proposals for these areas of the sites can be considered as part of any future application.
- The report recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Estates Primary Report (19/07/2021)

- The report recommends a request for further information in relation to the following:
 - Consideration of alternative access points through the Green or Pembroke Heights.
 - Internal roads to be 6m with 2m footpaths.
 - Provision of a turning area at the end of the cul de sac road in the vicinity of houses 25/26
 - Submission of a Construction Management Plan and Traffic Management Plan
 - Provision of good quality play areas and open space within the scheme.

Area Engineers Report (02/07/2021)

- The report recommends a request for further information in relation to the provision of a turning circle in the vicinity of proposed house nos. 25-26 to the west of the site.

Public Lighting Report (23/06/2021)

- No objection subject to conditions.

Housing Officer's Report (23/06/21)

- No objection to the development. The developer shall comply with Part V requirements.

Area Engineers Further Information Report (31/03/2022)

- The proposed turning bay to the west of the site is deemed acceptable. The report recommends a grant of permission subject to conditions.

Estates Further Information Report (04/04/2022)

- No objection subject to conditions.

Public Lighting (10/05/2022)

- No objection subject to conditions.

Area Engineers Report (18/05/22)

- No objection subject to conditions.

Estates Further Information Report

- No further comments. Previous conditions apply.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland (16/06/21)

A request for further information is recommended. The submission refers to the proposal to dispose septic effluent from the development to the public sewer. The submission requests that Irish Water signifies that there is sufficient capacity in existence so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters.

Uisce Eireann Irish Water (03/07/21)

The submission from Irish Water indicates that the applicant has liaised with Irish Water and a Confirmation of Feasibility has issued.

Irish Water have no objection to the proposed subject to the constraints outlined in the Confirmation of Feasibility including the following:

- Water: In order to accommodate the proposed connection to the Irish Water network at the premises, upgrade works are required to extend the length of the network by approximately 60 m. Irish Water currently does not have any plans to extend its network in this area and should the developer wish to progress with the connection, they will be required to fund the extension as part of the connection agreement.
- Wastewater: The submission refers to the existing sewer running through the site and outlines that it will not be permitted to build over it and the layout must ensure that the pipe is protected, and adequate separation distance is applied. Alternatively, the applicant may enter into a diversion agreement with Irish Water.
- The submission outlines that in the interest of public health and environmental sustainability, proposed connection to the IW water and wastewater

infrastructure shall be subject to the constraints of the Irish Water Capital Investment Programme.

3.4. **Third Party Observations**

Twelve no. third party submissions and a public representative submission were submitted in respect of the original application. The issues raised related to visual impact, traffic impact and concerns relating to the height of the proposed units and incompatibility with existing development.

4.0 **Planning History**

The following planning history relates to the appeal site.

PA Ref: 13/5607, ABP Ref: PL04.242980

Part of the appeal site was located within the development proposed under PA Ref: 13/5607, ABP Ref: PL04.242980.

Permission was granted in June 2014 for retention and completion of entrance and access road through part of Ard Chuain estate in an area previously permitted as open space under Ref. 01/1280 / 04.130502 and permission for 12 no. serviced sites and all 10 ancillary site works at Marmullane, Pembroke, Passage West, Co. Cork.

Condition no. 2 of this permission is of relevance as follows:

Condition no. 2: The siting, design, and layout of the houses to be served by the site development works herein permitted shall be subject to separate planning application(s). All houses shall be single storey, or single storey with split level floors. No two-storey or dormer houses shall be permitted.

Reason: In the interest of clarity and visual amenity.

PA Ref: 12/5129, ABP Ref: PL04.241461

The appeal site also formed part of a larger site which was subject to an application under PA Ref: 12/5129 for 25 no. residential units on site. Permission was refused by ABP in April 2013 in accordance with the following reasons and considerations:

- *Having regard to the plans and timescale of the planning authority with regard to the upgrading of public wastewater infrastructure in the area, the provisions*

of the current development plan for the area, the pattern of development in the area and the requirement for the orderly development of lands in the town, it is considered that the proposed development would be premature by reference to an existing deficiency in the provision of public sewerage facilities and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- *The proposed development is reliant on the discharge of effluent into Cork Harbour in proximity to Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel candidate Special Area of Conservation (Site Code: 001058). In the absence of a screening for appropriate assessment under article 6 of the Habitats Directive, the Board is not satisfied that the proposed development, alone and in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 site in view of the site's conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028

- 5.1.1. At the time of the assessment of the application, Ballincollig Carrigaline Municipal District Local Area Plan 2017 was the operative plan for the area. The application was assessed by Cork County Council (CCC) in accordance with the policies and objectives of this plan.
- 5.1.2. The Cork County Development Plan 2022-2028 was adopted on the 25th of April 2022 and came into effect on the 6th of June 2022. Section 1.2.5 of the Plan outlines that the Cork County Development Plan 2022-2028 replaces the Cork County Development Plan 2014, the eight Municipal District Local Area Plans adopted in 2017 and the nine Town Development Plans.

Chapter 2 Core Strategy

- 5.1.3. Passage West is located within the County Metropolitan Cork Strategic Planning Area. The Plan outlines that the County Metropolitan Area (CMA) as set out in the RSES for the Southern Region and the Cork MASP (Metropolitan Area Strategic Plan) Area is the main engine of population and employment growth for the region.
- 5.1.4. Passage West/ Glenbrook / Monkstown is designated as a Metropolitan Town.

Chapter 4 Housing

- 5.1.5. Section 4.8 of the Development Plan relates to Residential Density. Objective HOU 4-7 sets out the new density categories in the Plan and Table 4.1 sets out the new tiered density approach recommended to respond to the diverse settlement scales within the County's hierarchy. Medium A density (minimum net density of 30 and maximum net density of 50) is applicable to suburban/greenfield lands of the larger settlements with a population > 5,000 and those planned to grow >5,000 population including Passage West/ Glenbrook/ Monkstown. The plan identifies that Medium B density (20-35 units/ha) may be applicable in a limited number of peripheral/ sensitive locations.

Chapter 14: Green Infrastructure and Recreation

- 5.1.6. Section 14.8 refers to the Landscape Character Assessment of County Cork. Passage West is located within an area designated as a High Value Landscape as illustrated in Figure 14.2 of the County Development Plan.
- 5.1.7. The Plan outlines that *"High sensitivity landscapes are vulnerable landscapes with the ability to accommodate limited development pressure. In this rank landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape's limitations the character of the landscape may change"*.

Chapter 18: Zoning and Land Use.

- 5.1.8. The appeal site is primarily zoned for Existing Residential/Mixed Residential and Other Uses (ER). The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The

strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

- 5.1.9. Section 18.3.4 of the Plan outlines that lands defined as Existing Residential/Mixed Residential and Other Uses may contain residential development of varied densities ranging from high density historic terraces to more modern lower density housing schemes. The Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area and normal sustainable planning considerations.
- 5.1.10. County Development Plan Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses * The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.
- 5.1.11. Residential development is identified as an “appropriate use” on lands zoned for Existing Residential/Mixed Residential and Other Uses Areas.
- 5.1.12. A portion of the site to the north west is zoned for Green Infrastructure purposes. The CCDP outlines that there are 3 categories of Green Infrastructure, namely GR (Green Recreational), GC (Green Conservation) and GA (Green Active). The following Objective is of relevance:

County Development Plan Objective ZU 18-13: Green Infrastructure Three subcategories of Green Infrastructure zonings have been identified to

(a) Retain and provide for open space and recreational amenities within Green Recreational (Open Spaces/ Park) areas;

(b) Retain and generally protect appropriate areas for their landscape, amenity or nature conservation value or their current or future flood management role,

*within Green Conservation (Landscape amenity/ nature conservation) area;
and*

(c) Retain and provide for active recreational facilities within Green Active (Active Open Space) areas.

No development other than development which supports Green Infrastructure will be considered in these areas. Any proposals in Green Infrastructure areas will need to ensure the protection and enhancement of the integrity of biodiversity and to recognise the importance of wildlife corridors and sites of nature conservation and be in accordance with Article 10 of the Habitats Directive.

Appendix F – Landscape Character Assessment of County Cork

5.1.13. Passage West is located within Landscape Character Type 1 – City Harbour and Estuary – This has a very high landscape value and very high landscape sensitivity. The landscape is identified as National Importance.

Volume 4 – South Cork

5.1.14. Volume 4 of the Cork County Development Plan relates to South Cork. Section 1.5 relates to Passage West/Glenbrook/Monkstown.

5.1.15. Section 1.5.16 of the Plan outlines that over the past few decades the residential function of the settlement has expanded westwards up the undeveloped, steep hillsides in the areas closest to Douglas and Cork City. This is considered significant as many who live in these dwellings may not experience integration with the town they live in as they do not need to pass through the town. They are essentially dormitory developments with little integration with Passage West/ Glenbrook/ Monkstown itself. The new residential areas are far removed from the historic residential core. The existing, undeveloped land supply within the Plan follows this linear hillside development pattern. The key issue is ensuring connectivity opportunities are maximised between zoned lands and the town centre, existing schools and all residential developments.

5.1.16. Table 4.1.12 of the Plan sets out General Objectives for Passage West/ Monkstown/ Glenbrook. The following objectives are of note:

- PW-GO-01: Population and Housing: Secure the development of 379 new dwellings in Passage West/Glenbrook/Monkstown between 2022 and 2028 in

order to facilitate the sustainable growth of the town's population from 5,843 to 6,835 people over the same period.

- PW-GO-05: Walking and Cycling - Develop a network of designated walking and cycling routes to provide safe, convenient and pleasant routes between the town's main residential areas, schools and the town centre in line with the Metropolitan Cycling Strategy. Support and implement the provision of the Cork Harbour Greenway to connect Passage West/ Glenbrook/ Monkstown, Carrigaline and Ringaskiddy, subject to the outcomes of environmental assessments and the planning process. The Council over the lifetime of the plan will look at options to connect the town centre with the upper parts of the town and improve east to west connections and connections between Passage West, Glenbrook, and Monkstown.

5.1.17. Map 4.1.9 illustrates the Map of Passage West/Glenbrook/ Monkstown. The appeal site is primarily zoned for "Existing Residential/Mixed Residential and Other Uses" purposes.

5.1.18. Part of the appeal site is zoned for Green Infrastructure purposes. Objective PW-GC-02 relates to this portion of the appeal site *"Open Space with views overlooking Cork Harbour. Provision for landscape protection. The following habitat of county importance can be found within this site: Scrub/ Transitional Woodland, Dense Bracken and an Ecological Corridor"*.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

5.1.19. Section 3.3.1 of the Sustainable Residential Development and Compact Settlement Guidelines relates to Settlement, Area Types and Density Ranges for Cities and Metropolitan Areas. Table 3.3 relates to Areas and Density Ranges for Metropolitan Towns and Villages and identifies that densities in the range of 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns (>1,500).

5.1.20. The Guidelines outline that while densities should generally be within the ranges set out in Section 3.3 it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section

3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan.

Southern Region - Regional Spatial and Economic Strategy (RSES) 2020

- 5.1.21. The 'Southern Region - Regional Spatial and Economic Strategy (RSES) 2020' supports the implementation of Project Ireland 2040, as well as the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. Regional policy objective (RPO) 10 supports compact growth in metropolitan areas. Volume 2 of the RSES comprises a metropolitan area strategic plan (MASP) for Cork and other_city regions, including the requirement to integrate land use and transport planning with an objective to prepare the Cork Metropolitan Area Transport Strategy (CMATS).
- 5.1.22. Passage West is recognised as an important residential area in the Metropolitan area, based around excellent recreational facilities, a harbour setting and a greenway, with potential to yield 890 residential units.

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Cork Harbour SPA (004030)- 1.1km north east
- Great Island Channel SAC (001058) – 1.5km north west
- Great Island Channel p NHA (001058) – 1.5km north west
- Douglas River Estuary p NHA (001046) – 1.3km north west
- Monkstown Creek p NHA (001979) – 3km to the south

5.3. EIA Screening

This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class 10(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,

(iv) 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.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

- 5.3.1. The proposal, as amended in response to CCC's request for further information and clarification of further information, comprises the demolition of the existing shed on site and construction of 22 no. residential units on a site of 1.279ha. The site area is therefore well below the applicable threshold for urban development. The proposed development falls below the development threshold and mandatory EIA is therefore not required. The site is located within the environs of Passage West. The nature of development within the vicinity of the site is defined by a residential land uses. The development will not have an adverse impact in environmental terms on surrounding land uses.
- 5.3.2. I have given consideration to whether sub-threshold EIA is required. The introduction of a residential development on a serviced and zoned site within the development boundary of Passage West will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development and in my view is not likely to have a significant effect on any designated Natura 2000 site as detailed further in Section 7 of this report.
- 5.3.3. 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 Uisce Eireann and Cork County Council, upon which its effects would be marginal.
- 5.3.4. Having regard to:
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site within the development boundary of Passage West, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.3.5. I have concluded 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 a sub-threshold environmental impact assessment report for the proposed development was not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

First Party Appeal

6.1.1. A first party appeal was submitted in respect Condition nos. 3 and 6 of Cork County Council’s notification of decision to grant permission for the proposed development. The following provides a summary of the grounds of appeal.

- The appeal relates to Conditions 3 and 6 of Cork County Council’s notification of decision to grant permission. The Board is requested to omit these conditions.
- It is requested that the appeal is assessed under Section 139 of the Planning and Development Act (as amended).

Condition 3

- In terms of Condition no.3, the appeal outlines that it is completely unreasonable and unwarranted for the Council to seek to omit units from the

development on the provision of a “potential future path”. It is stated that the path provided is the most logical and feasible connection point to the Hillcrest/Bloomingdale estates and was designed to promote connectivity and permeability through the site.

- The appeal refers to the proposed omission of units 29-34 from the proposed development on the basis that these units were “out of character” with the area. It is stated that the design approach adopted is consistent with other developments within the area. The appeal outlines that the revised drawings submitted in response to CCC’s request for further information and request for clarification of further information address the concerns raised by the Planning Authority in relation to the elevation and topography of the site. The appeal asserts that the proposed units are set at or below the adjoining finished floor levels and ridge heights are consistent with adjoining dwellings.
- The appeal outlines that the appeal site is at a lower elevation than the existing dwellings within the Cill Mhuire estate and existing trees on the southern and western boundaries will be retained. The appeal cross refers to the site sections and the photomontages submitted in support of the application. It is stated that the photomontages demonstrate the negligible visual impact the development has on the existing neighbourhoods.
- The appeal outlines that on the basis of the photomontages submitted that there was no justification for the omission of units 29 to 34 and 13 to 16.

Condition 6

- The applicant has no issue with increasing permeability and including works to connect Cemetery Road to the proposed estate.
- The appeal raises concern in relation to the feasibility of a cycle route at this location on the basis of topographical constraints. The appeal outlines that the uphill gradient renders the cycle lane unfeasible. A cycle lane, if required, would become unusable due to its gradient and would not be in accordance with the requirements of DMURS which seeks to encourage passive surveillance, permeability and connectivity within new developments.

- The appeal also raises concern in relation to the timeframe for the completion of the pedestrian linkage through the site prior to occupation of any residential unit". The appeal outlines that this is unreasonable as it would require the completion of the whole estate prior to the occupation of any house.

Conclusion

- The appeal seeks to omit condition nos. 3 and 6 of Cork County Council's decision to enable the proposed development to be completed in full and allow for the provision of 22 no. units on site.

Third Party Appeal

6.1.2. A third-party appeal was submitted by Stephen Matthews in respect of the notification of decision of Cork County Council to grant permission for the development. The following provides a summary of the grounds of appeal:

- The appeal relates to Condition nos. 6, 35 and 36 of CCC's decision.
- The appeal raises concern in relation to the opening of a pathway to Cemetery Road on the basis that this has resulted in anti-social behaviour. The coach house and dwelling has been burned as a result of anti-social behaviour.
- In terms of Condition no. 36, The appeal raises concern in relation to the visual impact of 2m wall on their property, harbour view and the residence of Harbour Lights. A gate way opening will cause more issues.
- The appeal raises concern in relation to the reopening of a previously closed gateway which resulted in access being provided to the appellant's property.

6.2. Applicant Response

The applicant provided a response to the first party appeal. The following provides a summary of the key points raised.

Residential Amenity

- The appeal response refers to the concerns raised by the third party in relation to the provision of a pedestrian pathway linking the appeal site to Cemetery Road, as required under Condition no. 6. This was provided in response to Cork County Council's request for further information. The appeal response outlines

that the applicant has no issue with the provision of this pedestrian link but outlines that it is not feasible for the applicant to provide this link prior to the occupation of any unit on site.

- In relation to the concerns raised within the appeal in relation to impact on residential amenity, it is stated that the development has been designed to provide a functional and permeable development in accordance with the requirements of DMURS. The appeal response outlines that the applicant concerns in relation to anti-social behaviour caused by the applicant are unreasonable.
- The appeal response cross refers to drawings submitted which illustrate the landownership of the applicant in relation to the pedestrian connection between Cemetery Road and the proposed development.

Demolition of Shed

- Condition no. 35 outlines that the existing shed on site shall be demolished no later than 8 weeks after the completion of the proposed dwellings. The appeal response refers to the public notices which includes the demolition of the existing shed on site. The applicant has no objection to the requirements of Condition no. 35 in this regard.
- The appeal response cross refers to an agreement between the pathway to the shed leading from the site. It is stated that this agreement was in place with the previous owners of the site. There is no agreement in place with the current owners of the site TFT Construction Ltd.
- The appeal response acknowledges the concerns raised by the third party in relation to anti-social behaviour but outlines that the pathway is provided in accordance with the planning authority's request and the proposed development will provide a high-quality development for existing and future residents.

Boundary Treatment

- The appeal response outlines that the provision of a 2m boundary wall in accordance with the requirements of Condition no. 36 of CCC's decision is

provided in the interests of residential amenity. Details of the boundary wall will be submitted to Cork County Council for agreement prior to construction.

Conclusion

- The appeal response outlines that the decision of Cork County Council to grant permission for the development demonstrates that the proposed development will not affect the amenities of the area, is consistent with planning policy and is suitable in terms of scale and overall design.
- The Board is requested to grant permission for the development in accordance with Cork County Council's decision and consider the removal of Condition no. 3.

6.3. Planning Authority Response

Cork County Council's appeal response (dated 8th of July 2022) outlines that the planning authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation. The Planning Authority has no further comment to make.

6.4. Observations

18 no. observations were submitted in respect of the first party appeal from residents in the surrounding area and elected representatives. Similar concerns are raised within the observations and in order to avoid undue repetition within the report the following provides a summary of the key points raised within the observations:

Pathway

- The observations raise strong objection in relation to the proposed path and verge from Cill Mhuire into Bloomingdale/ Hillcrest to the south.
- The observations outline that the proposed connection was not included within the initial proposal for the site and was proposed in response to CCC's request for further information. No public notices were erected in the estate and residents did not have an opportunity to object to plans for the pathway. It is stated that the pathway constitutes a material change in plan and should not be allowed.

- The observations refer to past instances of anti-social behaviour within the Bloomingdale/ Hillcrest estates on foot of the creation of a pedestrian link between the appeal site and estate. The observations refer to a joint venture between Cork County Council and the local residents to provide new fencing to close this linkage.
- A number of the observations on the appeal question the legal status of the applicant to provide the pedestrian connection. It is stated that lands beyond the site boundary and in the estate are not in the ownership of the applicant. The applicant is therefore not entitled to use these lands to make a pathway. The developers do not have control of these lands nor the necessary consents.
- A number of the observations outline that the cul-de sac nature of the existing estates make it safe for children to play in the green spaces. The observations outline that the residents seek to retain the peaceful character and quiet ambience of the Bloomingdale/Hillcrest estate. The proposed pathway would destroy this and make the estate less safe for children.
- The observation raises safety concerns in relation to children leaving the estate, increased footfall and associated noise and concerns for increased risk of anti-social behaviour.
- The observations outline that there are no advantages for existing residents to provide the pathway.
- The observation from Hugh Barriscale and Others refers to the presence of mature trees along the existing southern boundary which are indicated within the Landscape Masterplan as being preserved. The observation outlines that the provision of a pathway would result in the removal of 5 no. mature trees which is considered unacceptable.
- The observations question the requirement for the proposed pedestrian connection as the most direct pedestrian route from the estates in upper Passage West to the town centre will still be via Church Hill.
- The observations outline that the creation of a public entrance would result in increased footfall through the estate including schoolchildren resulting in safety issues and higher risk of accidents on foot of the layout of the estate which

includes blind corners. It is stated that the existing footpaths are not in a suitable condition for wheelchair users and could be a safety risk.

- The cul de sac is also used as an overflow parking area and turning area for cars within the estate. Concerns in relation to the narrow width of the cul de sac road and vehicles reversing from driveways are raised.
- The observation from Johnathan and Kate O' Donovan residents of no. 38 Hill Crest raises specific concern in relation potential for safety issues on foot of the siting of their property relative to the pathway and maneuvering of vehicles from their driveway.

Procedural Issues

- The observations outline that site notices were not erected at the Bloomingdale/Hillcrest southern boundary. This excluded residents in the area from the submissions process and not treating them equally to residents adjacent to other site boundaries.

Impact on Residential Amenity

- A number of the observations outline that some existing residents within the estate bought their property for reasons including the cul-de sac layout of the estate. It is stated that the proposed pathway would make a fundamental change to the layout of the area.
- The observation from Johnathan and Kate O' Donovan no. 38 Hillcrest outlines that the proposed pathway would result in (a) a devaluation of their property (b) noise and dust impacts associated with construction phase (c) long-term overlooking of their house and loss of privacy (d) impact of lighting along the laneway on the observer's property (e) Increase of footfall in the vicinity of the observer's property.
- The observation from Ken and Kathryn Murphy raises concerns in relation to the residential amenity of their dwelling, which is located opposite the entrance to the development, on foot of increased traffic both at construction and operational phase.

Conditions no. 3 and 6

A number of observations on the 1st party appeal raise concern in respect of the applicant's request to omit Condition nos. 3 and 6 of Cork County Council's decision. The following provides a summary of the points raised:

- The observation from Aoife Culliton, 12 Cill Mhuire specifically refers to the grounds of appeal and the request to omit Condition no.3. In terms of Condition no. 3, the observation outlines that a clear rationale from the inclusion of this condition is included within the planner's report which informs the decision of the CCC to grant permission for the development subject to conditions. The observation cites extracts from the planner's report which outlines that the 2 storey dwellings are out of character with the existing pattern of development within the area, would be visually obtrusive and do not integrate well with the Cill Mhuire development. The observation refers to the conditions attached to the permission for the Cill Mhuire development under ABP Ref 242980 (Condition no. 2) which precludes 2 storey development on the site. The observer outlines that units 13-16 are a continuation of the Cill Mhuire development and as such the condition is appropriate.
- The observation from Aoife Culliton furthermore outlines that if houses 13-16 were permitted that the difference in ridge height between unit 12 (6.6) and proposed unit 13 (8.2m) would be 1.6m. It is stated that such a difference would impact on the visual amenity of the area and would not integrate with the existing pattern of development in the area.
- The observation from Stephen Matthews furthermore raises concern in relation to the appeal in respect of the omission of Condition no. 3. The observation raises concern in relation to heights of the houses and overlooking of property.
- The observation from Martin and Fiona Hughes outlines that they are supportive of conditions no. 3 and 6. In terms of Condition no.3, the observation refers to the sensitive location of the site on a hillside. In terms of Condition no. 6, the observation outlines that the proposed path to Cemetery Road was provided for under a previous application pertaining to the site under PA Ref 13/05607 (ABP Ref: PL04.242980) and should be provided to accommodate

the proposed development. The observer states that it is prudent that this is delivered to ensure that it doesn't get deferred indefinitely.

- The observation from Cllr. Marcia Dalton refers to the planning history pertaining to the site wherein both CCC and ABP identified the suitability of the site for single storey or split-level houses only (PA 12/1259, ABP Ref:PL04.241461, PA Ref: 13/5607, ABP Ref: PL04.242980). The proposed 2 storey units are out of character with other developments in the area. No 2 storey houses are provided on this visually sensitive hillside. The observation furthermore refers to the importance of the provision of a pathway linking to Cemetery Road, as provided for in previous permissions pertaining to the site, prior to the occupation of the proposed residential units in accordance with the requirements of Condition no. 6. The observation refers to the provisions of Section 1.5.81 of the Cork County Development Plan which supports this provision.

Access

- The observations on the appeal raise concern in relation to the suitability of the proposed access via Beechcourt to accommodate the proposal. The observations refer to previous concerns raised by CCC and ABP in respect of the capacity of the road.
- The observation from Liam Nolan outlines that the applicant was requested to carry out improvements to Beechcourt under PA Ref: 13/05607 which were not complied with.
- The observation from Ken Treacy refers to congestion on Church Hill and questions the capacity of the road to accommodate additional traffic associated with the development and other permitted developments within the area. The observation outlines that an alternative access from Cork Road may be a more appropriate access strategy.
- The observation from Stephen Matthews requests clarity in relation to the location of the exit to Cemetery Road and furthermore requests that a junction is provided at the entrance to his property.

- The observation from Ken and Kathryn Murphy refers to the planning history of the area and outlines that ABP has previously expressed reservations about the suitability of the proposed access (Ard Chuain and Cill Mhuire). The proposed access road is limited and does not cope with 2 passing cars at present. The site can be accessed via Cemetery Road.
- The observation on the appeal from Cllr. Seamus Mc Grath supports the concerns of the residents in relation to the proposed pathway. The observation outlines that Hillcrest and Bloomingdale were not designed with pedestrian/cycleway pathways in mind and residents have genuine safety concerns, particularly with access/egress to their driveways. The observation refers to the provisions of the Cork County Development Plan 2022-2028 which support active travel but in this regard states that there are alternative options available. The observation outlines that creating access onto a narrow cul de sac is not appropriate or fair to the residents concerned.
- The observation from Ken and Kathryn Murphy raises concern in relation to the poor sightline when exiting from Beechcourt to Churchill. The observation outlines that construction traffic and residential traffic will be dangerous.
- The observation from Ken and Kathryn Murphy outlines that the entrance to their property had to be moved at the time of construction due to irregularities in road levels. This detail should be rectified on plans of the estate prior to the agreement of the entrance.

Infrastructure

- The observation from Ken and Kathryn Murphy refers to a lack of wastewater capacity to serve the development.

Open Space and Amenity

- The observation by Ken Treacy raises concern in relation to the existing under provision of public open space within the Ard Chuain development directly associated with additional housing developments within the area.
- The observation outlines that the loss of further open space from the Ard Chuain area would be detrimental to the amenities of the area and contravenes the objectives of the permission pertaining to the area.

- The observation from Liam Nolan refers to the conditions attached to the Cill Mhuire development which relate to the provision of a Woodland Amenity and cycle path. It is stated that these conditions have not been complied with. The observation outlines that all conditions pertaining to the parent permission relating to planting, play areas etc should be fully in place prior to any further development.

Density, Design and Layout

- The observation from Ken Treacy outlines that the density of the development is over and above that established within the area.
- The observation from Liam Nolan outlines that the house types, ridge heights and number of dwellings are not suitable for the site. The observation furthermore raises concerns in relation to the visual impact of the proposed boundary treatment, mass concrete wall.

Non-Compliance at Cill Mhuire

- The observation on the appeal by Cllr. Marcia Dalton refers to non-compliance with conditions in the Cill Mhuire Estate. The concerns raised relate to (1) Compliance relating to safe access and (2) compliance relating to levels at which Cill Mhuire were constructed.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development/ Compliance with Policy
- Layout, Density and Impact on Residential Amenity
- Height and Impact on Visual Amenity
- Access and Permeability
- Other Issues
- Appropriate Assessment

7.2. Principle of Development / Compliance with Policy

- 7.2.1. At the time of the assessment of the application, Ballincollig Carrigaline Municipal District Local Area Plan 2017 was the operative plan for the area. The application was assessed by Cork County Council (CCC) in accordance with the policies and objectives of this plan.
- 7.2.2. The Cork County Development Plan 2022 was adopted on the 25th of April 2022 and came into effect on the 6th of June 2022. Section 1.2.5 of the Plan outlines that the Cork County Development Plan 2022-2028 replaces the Cork County Development Plan 2014, the eight Municipal District Local Area Plans adopted in 2017 and the nine Town Development Plans.
- 7.2.3. I have assessed the proposal in accordance with the provisions of the operative development plan namely the Cork County Development Plan 2022-2028.
- 7.2.4. The site is located within the development boundary of the contiguous settlements of Passage West, Monkstown and Glenbrook, in the metropolitan area of Cork. Passage West/Monkstown/ Glenbrook is designated as Metropolitan Town within the County Settlement Strategy. The policies and objectives of the plan support compact growth within metropolitan towns.
- 7.2.5. The Southern Region RSES recognise Passage West as an important residential area in the Metropolitan area with potential for an indicative yield of 890 residential units. The policies and objectives of the NPF, RSES and the Cork County Development Plan 2022-2028 support compact growth. The site is located within the environs of Passage West and is contiguous to existing residential development at Cill Mhuire, Hillcrest and Ard Chuain. I note that no objection to the principle of the development of the site for residential purposes was raised by Cork County Council.
- 7.2.6. The site is primarily zoned for Existing Residential/Mixed Residential and Other Uses (ER). This zoning objective seeks to conserve and enhance the quality and character of established residential communities and protect their amenities. The Plan outlines that infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. Residential development is listed as an appropriate landuse on lands zoned for Existing Residential/Mixed Residential and Other Uses.

- 7.2.7. Part of the appeal site to the west is zoned for Green Infrastructure purposes within the CCDP. Specific Objective PW- GC-02 relates to this open space area. This outlines the following: *Open Space with views overlooking Cork Harbour. Provision for landscape protection. The following habitat of county importance can be found within this site: Scrub/ Transitional Woodland, Dense Bracken and an Ecological Corridor*". The development, as originally proposed, included the provision of dwellings and private open space within this area. Revised proposals as submitted in response to CCC's request for further information and clarification of further information included the provision of public open space in this area of the site.
- 7.2.8. In conclusion, I consider that the principle of the development of a residentially zoned site within the urban footprint of Passage West is acceptable in principle and will support national and local policy objectives for compact growth.

7.3. **Layout, Density and Impact on Residential Amenity**

- 7.3.1. The proposal, as revised in response to CCC's request for FI and Clarification of FI, comprises the construction of 22 no. residential units, together with public open space site access and associated site development. The layout includes a centrally located 240 sq.m. public open space area which connects to the existing open space in Cill Mhuire. Vehicular access to the development is provided via connection to the existing road network which serves the Cill Mhuire estate. The layout has been designed to allow for pedestrian connectivity to lands to Cemetery Road to the north.
- 7.3.2. The development includes a mix of dwelling types and formats of units ranging from 2 to 4 bed detached, semi-detached and terrace units. I consider that the proposed dwelling mix will format/typology will promote a mix in tenure within the development. Dwelling materials of brick and render reflect those established within existing properties in the area.
- 7.3.3. On an overall basis, I consider that the layout and design of the development is acceptable and has been designed to reflect the layout and pattern established by the existing Cill Mhuire development.

Density

- 7.3.4. The proposed development seeks permission for 22 no. residential units on a 1.279ha site, yielding a gross density of 17 units per ha. The proposed density is below that

identified within the Cork County Development Plan 2022-2028 (Medium A minimum 30 maximum 50) and the Sustainable Residential Development and Compact Settlement Guidelines (35-50). The proposed density was deemed acceptable by Cork County Council having regard to site development constraints including the elevated hillside nature of the site, the site's topography, visual impact, access, capacity of the existing road network.

- 7.3.5. The Sustainable Residential Development and Compact Settlement Guidelines outline that while densities should generally be within the ranges set out in Section 3.3 it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. I consider that the proposed density it is acceptable in this instance having regard to the topography and elevated nature of the site, the High Value Landscape designation of the site, the existing pattern of low-density housing in the immediate vicinity of the site and the planning history for the area.

Impact on Residential Amenity

- 7.3.6. In terms of the residential amenity of the proposed units I note that the internal layout of each of the proposed houses, in particular the combined living space and bedrooms, exceeds the recommendations of the Quality Housing for Sustainable Communities (2007) guidelines. I note that private open space for each dwelling is provided in excess of the guidance set out within the Cork County Development Plan. The development includes a centrally located and overlooked public amenity space which will serve existing and future residents of the area.
- 7.3.7. In general terms I consider that the development has been designed to negate against overlooking. Within the development, I recommend the inclusion of a condition outlining that the proposed side facing window openings to en-suite units are permanently maintained in obscure glass. I refer to the requirements of Condition no. 4 of CCC's notification of decision to grant permission for the development which relates to the removal of the opening for the first floor terrace on the northern elevation of Unit 27, to negate against overlooking of private amenity space associated with proposed Unit 28. I recommend the inclusion of a similar condition in the instance that the Board is minded to grant permission for the development.

7.3.8. Overall, it is my opinion that the proposed separation distances between the proposed and existing units and the design and layout of the scheme achieves a balance of protecting the residential amenities of existing residents in the area and providing a quality amenity for future occupants.

7.3.9. A number of observations on the appeal raise concern in relation to construction phase impacts on the residential amenity of existing residents. Particular concerns are raised in relation to construction traffic. I note that a preliminary Construction Management Plan was submitted by the applicant in response to CCC's request for further information. This includes measures to negate against the impact of construction activities on the surrounding areas. I recommend the submission of a Construction Management Plan in the instance that the Board is minded to grant permission for the development.

7.4. Height and Impact on Visual Amenity - Condition no. 3

7.4.1. Passage West is located within an area designated as a High Value Landscape as illustrated in Figure 14.2 of the County Development Plan. The subject site forms part of a hillside in Passage West and parts of the site are visible from the R610. Extensive views of the Harbour are afforded from within the site. The appeal site occupies an elevated position, with levels falling relatively steeply from east to west.

7.4.2. The proposed dwellings are primarily 2 storey units which range in height from 8.2m to 9.2m, 2 no. split level units are proposed (Units 27 and 28). Cork County Council raised concern in relation to the principle of 2 storey units on an elevated and exposed hillside site and outlined that these be visually obtrusive and detract from the visual amenities of the area. The Planning Authority furthermore raised concern in relation to the integration of 2 storey units with the adjoining Cill Mhuire development. On foot of such concerns, Condition no. 3 of CCC's notification of decision to grant permission for the development outlines the following:

The site layout for the proposed development submitted on 28/04/2022 shall be amended in the following respects: - (a) unit numbers 13 to 16 including the pathway west of no.16 shall be omitted, (b) unit numbers 29 to 34 shall be omitted, (c) The areas released by the omission of (a) and (b) shall be subject to separation planning application for single storey housing units only. - and, before any development

commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised drawings, at a scale of 1:500 making provision for the above requirements shall be submitted to and agreed with the Planning Authority.

Reason: In the interests of residential and visual amenity.

- 7.4.3. The first party appeal seeks the removal of Condition no. 3 of the Planning Authority's decision. In terms of the omission of units no. 13-16, the first party appeal outlines that it is unreasonable and unwarranted for the Council to seek to omit units from the development on the provision of a "potential future path". It is stated that the path provided is the most logical and feasible connection point to the Hillcrest/Bloomingtondale estates and was designed to promote connectivity and permeability through the site.
- 7.4.4. The first party appeal outlines that the main rationale for the omission of Units 13-16 relates to the provision of a pedestrian connection. However, on review of the planner's report which informs the planning authority's decision, Cork County Council's request for further information and request for clarification of further information it is clear that CCC had concerns in relation to the principle of 2 storey units on an elevated and exposed hillside site and outlined that these be visually obtrusive and detract from the visual amenities of the area. The Planning Authority furthermore raised concern in relation to the integration of 2 storey units with the adjoining Cill Mhuire development and specifically requested a more considered design approach with dwellings amended to single storey or single storey with attic accommodation type dwellings.
- 7.4.5. The proposed development is a continuation of the Cill Mhuire development. I refer to the planning history pertaining to the existing Cill Mhuire development and in particular Condition no. 2 of PA Ref: 13/5607, ABP Ref: PL04.242980 which outlines that: *All houses shall be single storey, or single storey with split level floors. No two-storey or dormer houses shall be permitted.*
- 7.4.6. The observation from the occupants of no. 12 Cill Mhuire, located to the southeast of the appeal site, outlines that units 13-16 are a continuation of the Cill Mhuire development and as such the condition is appropriate and reflects the restriction imposed to current units in Cill Mhuire. The observation furthermore outlines that if houses 13-16 were permitted that the difference in ridge height between unit 12 (6.6) and proposed unit 13 (8.2m) would be 1.6m. It is stated that such a difference would

impact on the visual amenity of the area and would not integrate with the existing pattern of development in the area.

- 7.4.7. The applicant made a case within the response to further information and clarification of further information that the proposed 2 storey height of units 13-16 are appropriate having regard to the topographical differences between existing dwellings and Cill Mhuire and the appeal site and the nature of existing boundary treatment.
- 7.4.8. On site inspection, I note that site levels to the southeast of the site, in the vicinity of proposed units 13-16 are similar to that of no. 12 Cill Mhuire. I furthermore note that the boundary treatment to no. 12 is defined by a brick wall and not by dense planting as referred to by the applicant. Section D-D illustrates the relationship between Unit 14 and existing development within Cill Mhuire (dated 28/04/2022). It is clear that the ridge height of the development is higher than that in Cill Mhuire.
- 7.4.9. On review of the application drawings, having regard to the topography of the site, and having carried out a site inspection I consider that the concerns raised by Cork County Council in relation to the 2 storey height of units 13-16 and their compatibility with existing development in Cill Mhuire are valid and the height of these units should be restricted to single storey units only. I recommend the omission of these units, subject to a future planning application for single storey units at this location, in accordance with the requirements of Condition 3 (a) of CCC's decision.

Condition 3 (b) – Omission of Units 29-34

- 7.4.10. The appeal refers to the proposed omission of units 29-34 from the proposed development on the basis that these units were "out of character" with the area. It is stated that the design approach adopted is consistent with other developments within the area. The appeal outlines that the revised drawings submitted in response to CCC's request for further information and request for clarification of further information address the concerns raised by the Planning Authority in relation to the elevation and topography of the site.
- 7.4.11. The appeal asserts that the proposed units are set at or below the adjoining finished floor levels and ridge heights are consistent with adjoining dwellings. Proposed units 29-34 of the development have a height of 9.2m and are located in at an elevated location on the site to the east to the west of existing units 4-6 Cill Mhuire. The Site Sections drawing submitted with the applicants CFI response (Drawing no. 2033-02

Rev A) illustrates that there are significant interventions to existing site levels to provide Units 29-34 with ridge heights which are consistent with existing development at Cill Mhuire to the west. I do not consider that this approach is appropriate in a sensitive hillside location.

7.4.12. In terms of the impact on visual amenity, the first party appeal outlines that the photomontages demonstrate the negligible visual impact the development has on the existing neighbourhoods and there is no justification for the omission of units 29-34 on this basis.

7.4.13. Passage West is located within an area designated as a High Value Landscape as illustrated in Figure 14.2 of the County Development Plan. The subject site forms part of a hillside in Passage West and parts of the site are visible from the R610. Extensive views of the Harbour are afforded from within the site.

7.4.14. The appeal site occupies an elevated position, with levels falling relatively steeply from east to west. Existing trees and topography largely screen the site from view from the north and east. Views to the site from the R610 Rochestown Road would be glimpsed and seen through existing mature trees. The most significant visual impacts, in my view, would arise in views from the west, on the road from Monastery Cross to Passage West. I consider that Photomontage View 2 illustrates that the proposed 2 storey units occupy a dominant feature on the landscape.

7.4.15. On an overall basis, I do not consider that the layout as currently proposed provides an appropriate resolve with the site topography and consider that units 29-34 form a prominent feature on the landscape. The development furthermore seeks significant intervention to existing site levels to accommodate the proposed units. Due to the elevated nature of this portion of the site, I recommend the omission of units 29-34 in accordance with the planning authority's decision.

7.5. Access and Permeability

7.5.1. Access to the site is proposed from Church Hill, via the roads of Beechcourt and Ard Chuain. The observations on the appeal outline that the existing road network has limited capacity to accommodate the proposed development and outlines that alternative access options should be considered.

- 7.5.2. The observations raise safety issues in relation to the existing entrance from Church Road and the existing road network in Beechcourt and outline that improvements previously conditioned under PA Ref: 13/5607, ABP Ref: PL04.242980 to this junction have not been undertaken. This issue was specifically raised within Item 1 of CCC's request for further information which requested an update on the status of works proposed under PA Ref: 13/5607, ABP Ref: PL04.242980 including improvements to sight lines onto Church Hill through removal of the palisade fence serving the Eircom site, the widening of the Beechcourt Road to 5.5m, provision of a footpath and application of anti-skid surfacing.
- 7.5.3. The applicant's FI response confirms that works to provide improvements to sightlines onto Church Hill were provided in accordance with consent from Eircom. I note that no drawings were provided in conjunction with the application illustrating sight lines at the entrance from Church Hill. However, on-site inspection I noted that Church Hill runs in a straight alignment in the vicinity of the access to Beechcourt and consider that there were no restrictions to visibility from the junction.
- 7.5.4. In terms of works to Beechcourt Road including increase in width and improvements to surfacing, the applicant's FI response outlines that these are ongoing and would be finalised in the short term. The FI response outlines that the existing access arrangements can accommodate the proposed development at construction and operational phase.
- 7.5.5. I note that the Engineers Report in CCC raised no objection to the principle of access to the site from the existing road network. Having regard to the small scale of the development proposed, I do not consider that the proposed development would represent a scale or format of development which would result in significant traffic impact.

Permeability

- 7.5.6. The appeal site is adjoined by existing residential development to the north, south and east. The development, as originally proposed, included the provision of pedestrian and vehicular access to the site via Cill Mhuire. The issue of increased pedestrian permeability to the site was raised by CCC within their request for further information and clarification of further information. The applicant was specifically requested to

provide pedestrian/cycle linkages to the site to the north linking to Cemetery Road and south linking to the established residential areas of Hillcrest/Bloomingdale.

Pedestrian Connection to Hillcrest to the South – Condition 3 (a)

- 7.5.7. The provision of increased permeability through the site raised by Cork County Council within the request for further information and the request for clarification of further information. The applicant was specifically requested to provide pedestrian and cycle connectivity from Hillcrest/Bloomingdale through the proposed site in order to provide connectivity from these estates through to Cemetery Road. Drawing no. 2033-01 prepared by Boyd Barrett Murphy- Connor Architects submitted in response to CCC's request for clarification of further information included the provision of a 2m footpath between proposed units 16 and 17 linking the appeal site to the Hillcrest cul de sac to the south.
- 7.5.8. 18 no. observations were submitted in respect of the first party appeal. The observations on the appeal raise significant concern in relation to the provision of a pedestrian connection from the site to Hillcrest on foot of concerns relating to previous occurrence of anti-social behaviour associated with the appeal site. The observations refer to the existing cul de sac nature of Hillcrest and raise safety issues associated with children leaving the estate and noise and anti-social behaviour associated with increasing the pedestrian footfall through the estate. The observations outline that the existing road infrastructure in Hillcrest is not conducive to increased pedestrian footfall. The observations furthermore question the rationale for and necessary consent of the applicant to provide the pedestrian linkage.
- 7.5.9. Condition no. 3a of CCC's notification of decision to grant permission for the development omits the pedestrian connection and units no. 13-16 of the scheme subject to future consideration. The first party appeal requests the omission of Condition 3 (a).
- 7.5.10. I note the objectives of the Cork County Development Plan to provide enhanced connectivity and permeability within developments. Objective PW-GO-05 relates to Passage West/Glenbrook/Monkstown and seeks to *"Develop a network of designated walking and cycling routes will be established to provide safe, convenient and pleasant routes between the town's main residential areas, schools and the town centre in line with the Metropolitan Cycling Strategy"*. Given the infill nature of the site and its

proximity to existing residential areas I consider that there are clear opportunities for the provision of permeability through the site.

- 7.5.11. However, I consider that the pedestrian pathway and its tie in with the existing cul de sac at Hillcrest requires further consideration. I concur with the points raised within the observations on the appeal in relation to the compatibility of the proposed pedestrian link with the existing cul de sac layout at this location. I furthermore note that the planner's report which informs the decision of CCC's notification of decision to grant permission for the development questions whether the applicant has sufficient control over lands to create the access to Hillcrest. I consider the proposed connection to be premature on this basis. I recommend the omission of this pedestrian linkage in accordance with the requirements of Condition 3(a) of CCC's notification of decision to grant permission for the development.

Pedestrian Connection to Cemetery Road - Condition no. 6

- 7.5.12. Condition no. 6 of CCC's notification of decision to grant permission for the development outlines that "*The proposed path running from the northern side of the proposed site through to Cemetery Road shall be fully constructed and operational prior to occupation of any residential unit*".
- 7.5.13. The first party appeal requests the omission of Condition 6. The appeal outlines that the applicant has no issue with increasing permeability and including works to connect Cemetery Road to the proposed estate. The appeal raises concern in relation to the feasibility of a cycle route at this location on the basis of topographical constraints. The appeal outlines that the uphill gradient renders the cycle lane unfeasible. A cycle lane, if required, would become unusable due to its gradient and would not be in accordance with the requirements of DMURS which seeks to encourage passive surveillance, permeability, and connectivity within new developments.
- 7.5.14. I acknowledge the change in levels between the appeal site and Cemetery Road and I am satisfied that the planning authority took this into consideration during their assessment of the application. On site inspection, I note that there is significant level changes between the site and Cemetery Road and acknowledge the concerns raised by the applicant in relation to the provision of a cycle path. However, I refer to the wording of Condition no. 6 of the planning authority's decision which refers to a

proposed path and does not include reference to the provision of a cycle path. On this basis I do not consider that the requirements of the condition are onerous.

7.5.15. The appeal also raises concern in relation to the timeframe for the completion of the pedestrian linkage through the site prior to occupation of any residential unit. The appeal outlines that this is unreasonable as it would require the completion of the whole estate prior to the occupation of any house.

7.5.16. In considering the grounds of appeal, I consider that it is reasonable to ensure that the necessary infrastructure, including pedestrian connectivity, is in place prior to the occupation of the proposed units. I recommend the inclusion of Condition no. 6 in this regard.

7.5.17. The third-party appeal raises concern in relation to the provision of pedestrian link to Cemetery Road on the basis it will result in increased anti-social behaviour. The appeal refers to previous occurrences of anti-social behaviour on site and this is reflected within the observations on the appeal. Notwithstanding the concerns raised, I consider that the principle of the provision of an active use on the site and designated pedestrian connections through the site will reduce occurrences of anti-social behaviour.

7.6. Other Issues

Infrastructure – Wastewater Capacity

7.6.1. The observation from Ken and Kathryn Murphy raises concern in relation to wastewater capacity to serve the development. The proposed development seeks to connect to the public mains and sewer. I refer to the submission on file from Uisce Eireann which raises no objection to the proposed sewer connection. I furthermore note that the Cork County Development Plan 2022-2028 confirms that there is wastewater capacity to serve future development within the town. On this basis I have no objection to the proposed development.

Boundary Treatment – Condition 36

7.6.2. The third-party appeal raises concern in relation to boundary treatment specified in Condition no. 36 of CCC's notification of decision to grant permission for the development as detailed below:

“Notwithstanding any details submitted with the planning application in relation to boundary treatments, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, details of the boundary treatments surrounding and within the development shall be submitted and agreed in writing with the Planning Authority. These details shall provide for the following:-

(a) the provision of a two metre high wall or agreed written alternative between the rear gardens of opposing properties, (except that with regard to those rear gardens addressing shared private space, a pedestrian gateway through the said wall shall also be provided).

(b) the provision of a 2 metre high wall in materials consistent with the external finishes of the adjacent/adjoining structures, along boundaries between any public open space, public road, or public footpath and a residential property,

(c) details of a suitable boundary treatment along the dividing property line between adjoining dwellings, and (d) proposed treatments for any other boundaries not covered in the above”.

7.6.3. The appellant raises particular concern in relation to the visual impact of a 2m boundary wall and raises security concerns in relation to the proposed gate way opening within the wall. I question the requirement for gated opening within the boundary walls.

7.6.4. I consider that boundary treatment should be submitted for written agreement of the planning authority prior to the commencement of development. I recommend that this is addressed by means of condition in the instance that the Board is minded to grant permission for the development.

Condition no. 35 – Demolition of Shed

7.6.5. The third-party appeal refers to condition no. 35 and refers to past instances of anti-social behaviour on site. Condition no. 35 outlines that the existing shed on site shall be demolished no later than 8 weeks after the completion of the proposed dwellings. I note that the public notices refer to the demolition of the existing shed and this area is proposed to accommodate open space. I have no objection to the requirements of Condition no. 35 in this regard.

7.7. Appropriate Assessment

7.7.1. Screening Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.7.2. Background on the Application

A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

7.7.3. Screening for Appropriate Assessment- Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

7.7.4. Brief description of Development

The development is described at Section 2 of this Report. In summary, permission is sought for demolition of the existing shed on site and construction of 22 no. residential units. The development comprises connection to the public sewer and all site development works.

7.7.5. European Sites

The nearest European sites to the application site, including Special Areas of Conservation (SACs) and SPAs, comprise the following:

European Site (Code)	Qualifying Interests	Distance	Connections	Considered further in Screening
Cork Harbour SPA (004030)	Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover,	1.1km north west	Yes Stormwater ultimately discharging to Cork harbour Wastewater from	Yes

	Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds		the site passes and would be treated in Cork Lower Harbour WWTP, which also discharges to Cork harbour.	
Great Island Channel SAC (001058)	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] 	1.5km north east	<p>Stormwater ultimately discharging to Cork harbour</p> <p>Wastewater from the site passes and would be treated in Cork Lower Harbour WWTP, which also discharges to Cork harbour.</p>	Yes

I do not consider that any other European Sites other than those identified in the table above potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

7.7.6. Submissions and Observations

One of the observations on the appeal questions the capacity of the wastewater treatment plant to serve the development. The submission from Inland Fisheries Ireland refers to the proposed wastewater connection to the public sewer. The submission recommends that Irish Water (Uisce Eireann) signifies that there is

sufficient capacity in existence so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters.

Uisce Eireann raised no objection to the proposed wastewater connection.

7.7.7. Potential Effects

It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase. Habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- increased noise, dust and/or vibrations, as well as visual presence as a result of construction activity;
- surface water and stormwater drainage from the proposed development site;
- increased wastewater being sent to Cork Lower Harbour Wastewater Treatment Plant during the operational phase of the proposed development.

Construction Phase

A Construction Management Plan was submitted by the applicant in response to Cork County Council's request for further information. During the construction phase, standard pollution control measures would be put in place. Section 7.3 of the Construction Management Plan relates to Waste Disposal Handling Procedures and sets out measures to prevent silt run off from stockpiling of materials on site. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Cork Harbour from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Cork Harbour (dilution factor).

Operational Phase

During the operational stage stormwater from the site would be discharged after passing through sedimentation and fuel interceptor traps, while surface waters from roofs would infiltrate to ground within individual soakaways. In the event that the SUDS, pollution control and stormwater treatment measures were not implemented or failed, I am satisfied that the potential for likely significant effects on the conservation objectives of European sites in Cork harbour can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development featuring a piped stormwater network and the distance and volume of water separating the application site from European sites in Cork harbour. Therefore, surface waters and stormwaters arising from the proposed development would not be likely to give rise to significant indirect impacts on European sites connected with the site.

The discharge of wastewater to the municipal wastewater treatment plant at Shanbally provides a pathway for potential impacts to the European sites. Cork Lower Harbour WWTP is understood to currently serve a population equivalent of approximately 20,000 persons, it has a population equivalent capacity for approximately 65,000 persons and is subject to licensing from the EPA, a process that is itself subject to AA. I refer to Table 11.3 of the Cork County Development Plan 2022-2028 which outlines that wastewater capacity is in place to serve Passage West.

I note that Uisce Eireann have indicated that capacity for the proposed development to connect to mains services is available. I also consider that the scale of the development would be insignificant in the context of the available capacity. It is considered that the additional loading to the Cork Lower Harbour WWTP arising from the proposed development is not likely to give rise to significant indirect impacts on European sites.

On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Cork harbour and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Cork harbour via surface water or stormwater runoff, and emissions to water.

7.7.8. In-combination Impacts

The expansion of Cork City and Metropolitan Area is catered for through land-use planning by the Planning Authorities in the Cork area, including the Cork County Development Plan 2022-2028. The Development Plan has been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, the Cork Lower harbour WWTP has substantial operational capacity to serve the proposed development and this facility is currently operating under the EPA licencing regime that was subject to AA Screening.

The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

7.7.9. Conclusion

The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 001058 (Great Island Channel SAC) and European Site No. 004030 (Cork Harbour SPA), in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

8.0 **Recommendation**

- 8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objectives for the site as set out within the Cork County Development Plan 2022-2028, national and local policy objectives which support the redevelopment of infill sites, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of the safety and convenience of pedestrians and road users and would not constitute a traffic hazard. 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 plans and particulars submitted on the 09/03/2022 and 28/04/2022 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. Prior to the commencement of any development on site, the developer shall submit revised plans, illustrating the following revisions to the proposed development for the written agreement of the planning authority:
 - (a) Proposed Units 13-16 and the proposed pathway to the west of Unit 16 shall be omitted.
 - (b) Units 29-34 shall be omitted.
 - (c) The areas released by the omission of (a) and (b) shall be subject to separation planning application for single storey housing units only.

(d) Revised proposals for the design of Unit 27 to negate against overlooking from the proposed first-floor terrace.

(e) All en-suite bathroom units shall be fitted and permanently maintained with obscure glass, use of film is not acceptable.

Reason: In the interests of residential and visual amenity and to prevent overlooking.

3. This permission is for 12 residential units only.

Reason: To clarify the development permitted.

4. Details (including samples) 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 interests of visual amenity.

5. The proposed path running from the northern side of the proposed site through to Cemetery Road shall be fully constructed and operational prior to occupation of any residential unit.

Reason: In the interests of orderly development.

6. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity.

7. All trees and hedgerows within and on the boundaries of the site, except those specified for removal to facilitate the development, shall be protected during building operations and maintained thereafter.

Reason: In the interests of visual amenity.

8. Prior to the commencement of any development on site, the developer shall submit details of boundary treatments for the development for the written agreement of the planning authority.

Reason: In the interest of residential amenity.

9. The existing shed on site shall be demolished no later than 8 weeks after the completion of the development.

Reason: In the interests of orderly development.

10. Public lighting shall be provided in accordance with the Planning Authority's requirements, 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 house.

Reason: In the interests of amenity and public safety.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the Planning Authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

12. 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

13.2 no. car parking spaces with dimensions of 5m x 2.5m shall be provided for each dwelling.

Reason: In the interest of residential amenity and orderly development.

14. Proposals for a house naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

15. 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.

Reason: In the interests of visual and residential amenity.

16. 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

17. The developer shall enter into water and wastewater connection agreement with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

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

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

19. 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.

Reason: In the interest of sustainable waste management.

20. 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 hours of working, traffic management, noise management measures and off-site disposal of construction/demolition waste.

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

21. 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 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.

22. 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.

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.

23. Prior to commencement of development, the developer 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.

24. 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

25. 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.

Stephanie Farrington
Senior Planning Inspector
27th of February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	313838-22		
Proposed Development Summary	Demolition of shed and construction of 22 no. houses and all associated ancillary development works including access roads, parking footpaths, drainage, landscaping and amenity areas.		
Development Address	Cill Mhuire, Marmullane, Pembroke (Townland), Passage West, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	x	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	x		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	313838-22	
Proposed Development Summary	Demolition of shed and construction of 22 no. houses and all associated ancillary development works including access roads, parking footpaths, drainage, landscaping and amenity areas.	
Development Address	Cill Mhuire, Marmullane, Pembroke (Townland), Passage West, Co. Cork	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	No. The development is located within an existing residential context.	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	No significant waste, emissions or pollutants are envisaged.	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>		No No

<p>considerations having regard to other existing and/or permitted projects?</p>		
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on European sites, including European Site No. 001058 (Great Island Channel SAC) and European Site No. 004030 (Cork Harbour SPA), in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.</p>	<p>No</p> <p>No</p>
<p>• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>• There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____