



An
Bord
Pleanála

Inspector's Report ABP-314081-22.

Development	Permission to construct 9 houses.
Location	Dun An Oir, Curragh, Kanturk, Co.Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	22/4956.
Applicant(s)	Art Voyage Cork Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Art Voyage Cork Ltd.
Observer(s)	None
Date of Site Inspection	22/09/2022.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. The subject site is located within the identified development boundary of the town of Kanturk, CO. Cork. Kanturk is identified as a main town in the north Cork area, and the town lies at a crossroads where the R576 – which links Newmarket with Mallow - and the R579 – which links Banteer and Freemount - intersect. to the east of the Newmarket Road.
- 1.2. The site lies to the north west of the town centre and is accessed via the Newmarket Road and over the existing estate road which serves the wider Ashdale estate. The site comprises an area of 0.24ha and is currently laid out as an open space and landscaped area. The site rises from the road towards the rear of houses to the east. The wider area comprises residential development which rises from the Newmarket Road towards the east. The subject site lies approximately 500m to the north west of the centre of Kanturk and within the established built-up area.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the construction of 9 no. town houses in 2 no. 2 storey blocks together with associated site works (change of plan from that permitted under pl.reg 18/6326), all at Dun An Oir, Curragh, Kanturk, Co. Cork.
- 2.1. The application included a number of supporting documents including as follows:
 - Plans, particulars and completed planning application form.
 - Proposed Part V Agreement (which includes costings)
 - Planning Statement
 - Structural Engineers Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. The proposed development constitutes an excessive density of development and represents overdevelopment of the elevated site and would seriously injure the residential amenities of the area, and of property in the vicinity, and would, therefore, be contrary to 'Objective PL3-3 'Delivering Quality and Inclusive Places', Cork County Development Plan 2022-28, and the proper planning and sustainable development of the area.
2. The additional traffic in the vicinity of the estate entrance and internal Estate roads would create a traffic hazard for pedestrians and vehicles within the existing Estate and would be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Reports

Pre-planning:

No pre-planning meeting is noted to have been held.

Planning Officers Report:

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, planning history and the 2022 County Development Plan policies and objectives. The report also includes a section on EIA, AA and Flood Risk Assessment.

The Planning Report considers the proposed development under a number of headings and considers that while the principle of development has been established under the extant permission for 5 units, the previous permission for 10 units carries

no additional weight, with additional considerations under new legislation and place-making to be considered.

The report raises concerns in terms of the proposed increase in density by almost double and that it is not reflective of the pattern of development within the estate. No site sections have been submitted with the application which is considered to hamper assessment given the steep incline of the embankment. Should the application progress, further information in this regard is required. In addition, the Planning Officers report notes that further information is required with regard to the following should planning permission be considered:

- Open Space: the report notes that the quantum has not been stated and that it is not overlooked in terms of passive surveillance.
- Private Amenity Space: layout and quantum of spaces.
- Design / Layout / Mix: Impact of single aspect living areas and the amount of cut and fill required and the likely nature of the embankment at the rear of the gardens could impact on the amount of daylight.

Access issues – there is no living space at entry level.

The proposed development would lead to a low level of residential amenity and amendment is recommended.

Issues with unit size and lack of information in terms of room sizes.

No mix is provided for within the scheme and requires to be justified.

The report concludes, recommending that permission be refused for the proposed development, for 3 reasons.

The APs report is noted and endorsed by the Senior Planner, who considers that the increase in number of units fails to respect the established pattern and character of the immediate area and is not a good fit to this site. Refusal is recommended for 2 reasons.

These Planning Reports formed the basis of the Planning Authority's decision to refuse planning permission.

3.1.2. Other Technical Reports

Housing Officer: The report notes that there is demand for the Part V units proposed and that the units are suitable for social housing use. Documentary evidence of the indication by the applicant that the site was acquired during the exemption period for the updated Part V regulations has not been provided. Further information required in this regard.

Area Engineer: The report notes serious concerns relating to the development give the history of the site and that the original houses built on the site had to be demolished due to serious structural issues. Planning permission was granted to replace the demolished houses with 5 units and the current proposal seeks to increase the density in this section of the site.

In terms of roads, the report considers that the increase from 5 to 9 dwellings will create a traffic hazard very close to the entrance to the estate and will increase traffic movements adjacent to both internal roads accessing Oakridge.

No issues are noted with regard to water services.

The report recommends that permission be refused on the grounds of ground conditions and traffic hazards.

Water Services: The report notes the intention to lay a foul sewer network which will gravitate to the existing collection network within the estate.

Further information required.

Public Lighting: The report notes that no public lighting details have been provided but that there is no objection to the proposed development as much of the lighting is already existing. Conditions attached to PA ref 18/6326 should continue to apply.

Liaison Officer: No comment.

3.1.3. **Prescribed Bodies**

Irish Water: Notes no objection.

3.1.4. **Third Party Submissions**

One third party submission is noted in terms of the planning application submitted. The issues raised are summarised as follows:

- The site has been left in a derelict condition since acquired by the applicant, which has resulted in damage to adjoining property from continuous trespass by residents of the Dun an Oir, dumping of rubbish and the setting of fires.
- Appropriate boundary fencing should be put in place before any development takes place.

4.0 **Planning History**

The following is the relevant planning history pertaining to the subject site:

PA ref 18/6326: Permission granted for the construction of 5 detached houses on the subject site.

PA ref 06/4381: Permission granted for the construction of 10 detached houses on land which includes the southern part of the subject site (noted as open space) and further lands to the south - Oakridge.

PA ref 04/3809: Permission granted for the wider residential estate which comprised 168 dwelling units – houses, duplex and apartment units.

PA ref 07/6188: Permission granted for the alteration of the parent permission for the estate to include 8 no. semi-detached houses in lieu of 8 no. duplex apartments and 8 no. ground floor apartments.

PA ref 18/6272: Permission granted for the construction of 16 houses – comprising 8 no. duplex apartments and 8 no. ground floor apartments.

PA ref 22/4952: Permission sought for the construction of 16 apartments in a 2-storey block – change from that permitted under PA ref 18/6272. Further information

was sought on this application on the 17th of June 2022. No decision has been made by Cork County Council.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
 - National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- 5.1.3. National Planning Objective 62 seeks to identify and strengthen the value of greenbelts, and green spaces at regional and city scale, to enable enhanced connectivity to wider strategic networks, prevent coalescence of settlements and to allow for the long-term strategic expansion of urban areas.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

- 5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:
- quality homes and neighbourhoods,
 - places where people actually want to live, to work and to raise families, and
 - places that work – and will continue to work - and not just for us, but for our children and for our children’s children.
- 5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.2.3. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.3. Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, DoEHLG, 2007

- 5.3.1. The purpose of these Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive in a variety of ways and to promote better homes, better neighbourhoods

and better urban spaces. Section 5.3 of the guidelines deal with Internal Layout and Space Provision and Table 5.1 of the guidelines sets out the space provision and room sizes for typical dwellings.

5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

- 5.4.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (ie. cities, towns, and villages) and it sets out an integrated design approach.

5.5. Development Plan

- 5.5.1. The Board will note that the subject application was considered under the Cork County Development Plan 2022-2028 which came into effect on the 6th of June 2022. The 2022 CDP is the relevant policy document pertaining to the subject site.
- 5.5.2. Volume 3 of the 2022 CDP deals with North Cork and identifies Kanturk as a Main Town in the Kanturk Mallow Municipal District. The town has an allocated population target of 2,937 to 2028 with 224 new residential units required. The 2022 CDP identifies the subject site as being within the settlement boundary of the town of Kanturk and on lands zoned Existing R – Existing Residential/Mixed Residential and Other Uses.
- 5.5.3. Volume 1 of the CDP presents the main policy material. and Chapter 3 deals with settlements and placemaking where it is the stated vision of the plan, to protect and enhance the unique identity and character of County Cork's towns and villages and improve quality of life and well-being through the delivery of healthy placemaking underpinned by good urban design, with the creation of attractive public spaces that

are vibrant, distinctive, safe and accessible and which promote and facilitate positive social interaction and supports the needs of the community. In seeking to further the focus of the NPF, the Cork CDP notes that a new focus on urban opportunity sites, through a combination of infill lands and backlands amongst other measures. The following sections of the Plan relate to infill housing:

3.5.13 To make the most sustainable use of existing urban land within the built envelope of a settlement, the planning authority will encourage the development of infill housing on suitable sites, subject to adherence to residential amenity standards and avoiding any undue impacts on the established character of an area. The layout and design of infill schemes should respect existing building lines and should generally follow established roof profiles, buildings heights and use of materials within the street.

3.5.14 Infill housing is often suitable as starter homes or housing for older people given their size and locations in central locations close to services and amenities.

3.5.15 In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land.

5.5.4. Chapter 18 of the Plan deals with Zoning and Land Use and 18.3 deals with Land Use Zoning Categories. Objective ZU 18-9 relates to Existing Residential/Mixed Residential and Other Uses and states as follows:

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

and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas:

Residential development, residential care, sheltered housing, specialised housing, small scale retail, local centres/ neighbourhood centres, small scale commercial, community facilities, childcare facilities, education facilities, places of worship, civic uses, small scale offices, local medical /healthcare services, marine facilities, sports facilities, recreation and amenity facilities, bed and breakfast/guesthouses/hotels

5.5.5. Other relevant objectives include:

- HOU 4-6: Housing Mix
- HOU 4-7: Housing Density of Residentially zoned land
 - Medium B – Min net density of 20 and Max net density 35: applicable to lands in the suburban greenfield lands of the smaller towns <5,000 population and key villages as part of sequential development.

5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 260m to the south of the site. The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161) lies approximately 11.2km to the north west.

5.7. EIA Screening

5.7.1. The application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.7.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

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

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

5.7.3. The proposed development comprises the construction of 9 houses on a greenfield site within an existing residential estate of 0.24ha. As such, I am satisfied that the development does not fall within the identified classes of development and does not require mandatory EIA.

5.7.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.7.5. Having regard to:

- (a) the nature and scale of the development,

- (b) the location of the site outside the development boundaries of Kanturk,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The grounds of are summarised as follows:

- Reason No. 1:
 - All houses at the front of the estate facing the Newmarket Road are on elevated sites.
 - There is adequate green area between the road and all houses.
 - The application does not add any further impact from the original design which was built and demolished previously. The site is not a new site.
- Reason No. 2:
 - The proposal is for 9 x 2 bed houses in place of 6 x 3-4 bed houses and therefore any increase in traffic will be miniscule.
- Further information should have been sought to address the concerns raised.
- There is no demand for the 5 no. 4 bed detached houses permitted under 18/6326.

- It is planned to sell the 9 units to the Council and 2-bed units are the preferred option.
- Extensive site investigations together with specialist reports and foundation designs were carried out to ensure no structural movement.
- There are no objections from the Council to architectural design, layout, parking, bin storage etc.
- There were no third-party submissions / objections.
- It is not acceptable that the application was considered without taking cognisance of the history.
- There is a serious housing need for 2-bed units.

It is requested that the Board grant permission for the development.

6.2. **Observations**

None.

6.3. **Planning Authority Response**

The PA submitted a response advising that all the relevant issues have been covered in the reports already forwarded to the Board. No further comments to make.

7.0 **Planning Assessment**

7.1. **Introduction**

- 7.1.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main

issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Development Details
3. Roads & Traffic Issues
4. Water Services
5. Other Issues

7.2. Principle of the development

7.2.1. The proposed development seeks to construct a residential development comprising 9 houses connecting to public services to the north west of the centre of the town of Kanturk, Co. Cork. The Board will note that the Elected Members of Cork County Council made the Cork County Development Plan 2022-2028 and adopted the Plan on the 25th of April 2022. The Plan came into effect on the 6th of June 2022 and is the relevant policy document pertaining to the subject site. The Planning Authority made its decision to refuse permission having considered this new Cork County Development Plan.

7.2.2. The Board will note that the site the subject of this appeal, is located within the settlement boundary of Kanturk, and comprises part of a wider residential estate which has been afforded the zoning Existing R – Existing Residential/Mixed Residential and Other Uses, and which stated as follows:

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

and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Residential development is identified as appropriate use on such lands.

- 7.2.3. In addition to the above, the CDP 2022 supports the development of infill housing on suitable sites and subject to compliance with residential amenity standards and the avoidance of undue impacts on the established character of an area. The plan, at section 3.5.14, also identifies that infill housing is often suitable as starter homes or housing for older people given their size and locations in central locations close to services and amenities. While I will discuss the details of the development further below, I would also note that the plan states, that in general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land.
- 7.2.4. The principle of the proposed residential development, therefore, adequately accords with the provisions of the CDP and national policy which seeks to increase densities within urban and serviced areas. Site specific issues are however required to be considered.

7.3. **Development Details:**

- 7.3.1. The Planning Authority refused planning permission for the proposed development for two reasons, the first of which considered that the development constitutes an excessive density and represents overdevelopment of the site. In terms of density, the Board will note the small scale of the proposed development in the context of the wider residential estate which includes 149 houses, and the proposed density of approximately 37.5 units per ha, which, on zoned and serviced land.

- 7.3.2. County Development Plan Objective HOU 4-7 relates to Housing Density of Residentially zoned land. The subject site is located on lands where Medium B density applies on the basis of the site being located in the suburban greenfield lands of the smaller towns <5,000 population and key villages as part of sequential development. The min net density of 20 and max net density 35 applies in this instance. The proposed density of 37.5 units per ha is only slightly above the max net density cited in the 2022 CDP. Should the Board consider this to be unacceptable, the omission of one unit would reduce the density to approximately 33.3 units per ha which would accord with the maximum net density.
- 7.3.3. I note Circular Letter: NRUP 02/2021, as well as the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 as they relate to the future development of greenfield or edge of city/town locations for housing purposes. In the context of the subject site and having regard to the current policy framework applicable as detailed above, I would note that the site lies within the development boundary of Kanturk and within approximately 500m of the centre of the town. As such, the principle of a residential development at this location, and the density proposed, is acceptable in terms of the zoning objective for the site.
- 7.3.4. In terms of the proposed layout of the units, the proposal includes for the provision of houses on an existing open space area within the wider residential estate. In this context, I would estimate that the provision of open space, both usable and incidental spaces including the subject site, extends to approximately 0.7ha. Given that the overall estate site area extends to approximately 6ha, this amounts to approximately 11.7% of the total site area. A grant of planning permission will see this open space area reduced by approximately 0.14ha, which would reduce the open space provision across the wider estate to just below 10%. In terms of the open spaces within the estate, I would acknowledge that the quality is high and that a playground has been provided, with an area which could be used for an informal kickabout / active recreation. I have no objections to the proposed development in this regard.
- 7.3.5. In terms of the site levels and elevations, and the potential impact on the residential amenity of the area, the Board will note that the proposed residential development

will be accessed via the existing estate road which serves the wider Oakridge estate. Each proposed house will have a direct access onto the existing road and the overall layout retains an existing area of public open space to the south of the site. The layout of the site proposes two blocks of terraced split-level houses comprising 9 units in total and all units facing the estate road. The development, if permitted will involve the cutting into the site to achieve the split-level houses, with one bedroom proposed at ground floor level and the larger floor area proposed at first floor level, with access to the private amenity spaces. All houses provide car parking to the front and rear gardens which range between 6.8m – 13.17m in depth.

- 7.3.6. In terms of the concerns regarding the impact on residential amenity, I would note that the proposed houses will be located at a lower level to the existing houses to the east. While the subject site is elevated, I would consider that the development, if permitted will reflect the existing development to the north and south which includes houses facing onto the Newmarket Road at similar levels. I further consider that the houses would read as being lower than the houses to the east and as such, I have no objections to the development in terms of visual impact or impact on existing residential amenities of the area or properties in the vicinity.
- 7.3.7. With regard to proposed unit mix, the Board will note that the 9-unit scheme proposes only houses, and only 2-bed units within two terraces. All houses rise to two storeys at the front and single storey to the rear to address the existing site levels. The floor area of the proposed houses is indicated at 82.2m². The houses will provide for two double bedrooms, one en-suite at entry level together with an understairs store with an approximate area of 4m², and a second double bedroom, bathroom and open plan kitchen / living / dining area at first floor level. There will be direct access to east facing gardens from the first-floor kitchen / living / dining area which has an overall floor area of approximately 32.6m².
- 7.3.8. While I acknowledge the concerns raised by the PA in terms of the proposed unit mix, I would have no objection to the proposed development in this regard given its context within the wider residential estate. I also note that the Housing Officer of Cork County Council advises that there is demand for such units in the local area.

7.3.9. The Board will note that the PAs Planning Officer raised concerns that the application does not provide adequate information in terms of the private amenity space and internal room areas associated with the proposed houses. In addition, the report considers that the justification for the lack of housing mix, together with the provision of living areas only at first floor level should be addressed should a grant of planning permission be considered. In note the provisions of the 2007 Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, DoEHLG, and in particular section 5.3 of the guidelines which deal with Internal Layout and Space Provision. Table 5.1 of the guidelines sets out the space provision and room sizes for typical dwellings and in this regard, the following is relevant:

DWELLING TYPE	TARGET GROSS FLOOR AREA	MINIMUM - MAIN LIVING ROOM	AGGREGATE LIVING AREA	AGGREGATE BEDROOM AREA	STORAGE
	(m ²)	(m ²)	(m ²)	(m ²)	(m ²)
2BED/4P House (2 storey)*	80	13	30	25	4

In addition to the above, the guidelines provide that:

- the area of a single bedroom should be at least 7.1m²
- the area of a double bedroom at least 11.4m²
- the area of the main bedroom should be at least 13m² in a dwelling designed to accommodate three or more persons.

The recommended minimum unobstructed living room widths is 3.6 metres for two-bedroom dwellings, and the minimum room widths for bedrooms are 2.8 metres for double bedrooms and 2.1 metres for single bedrooms.

7.3.10. In terms of the proposed development, I note that all units would appear to comply in terms of the proposed bedroom areas, living room areas and storage provision, as

well as room widths. Overall, I have no objections in principle to the general layout, design or unit mix proposed.

7.4. Roads & Traffic Issues

- 7.4.1. In terms of roads and traffic issues, the Board will note that the Planning Authority refused planning permission for the proposed scheme for reasons which include roads and traffic matters. I note that the Cork County Council Area Engineer raised significant concerns in relation to the proposed development from a roads and traffic viewpoint, and in particular, with regard to the proposed increase of 4 houses (from the permitted 5 units to 9 currently proposed) which is considered to create a traffic hazard close to the entrance to the estate. The report notes that the development will increase traffic movements adjacent to both internal roads accessing Oakridge and recommends refusal of permission.
- 7.4.2. In terms of the planning history of this site, I note that 6 houses were permitted and constructed in the past, only to be demolished due to structural deficiencies. The demolished houses included detached houses with accommodation over three floors. The applicant has submitted that the previously permitted 6 houses includes 3 and 4 bed roomed houses and as such, any increase in traffic generated by the proposed 9 x 2-bed units would be miniscule. I also note that there is an extant permission on the site for 5 no. 4-bed houses.
- 7.4.3. While I acknowledge the concerns raised by the Planning Authority's Area Engineer, I am inclined to agree with the appellant in terms of the potential impact the development will have on traffic movements to and from the site. The existing roads infrastructure, including public footpaths which retain the dishes at the previous entrances to the houses and public lighting are in place. Having regard to all matters relating to roads and traffic, together with the planning history of the site, I would find it difficult to recommend a refusal of planning permission on the grounds of traffic hazard. I would therefore recommend that the PAs second reason for refusal should be set aside.

7.5. **Other Issues**

7.6. **Water Services**

7.6.1. In terms of the existing water services, the Board will note that the proposed development intends to connect to the existing services within the wider estate, which in turn connects to the existing network which serves Kanturk. The proposal will involve the addition of a secondary foul sewer and storm water sewer connected to the existing lines within the estate road. I note that Irish Water has raised no objections to this proposal.

7.6.2. The PAs Water Services Engineer recommended that further information be sought with regard to proposed connections to the existing network. As the PA decided to refuse permission outright, no further information request issued. However, I consider that the issues raised in the Water Services Report could reasonably be addressed by way of condition of permission should the Board be so minded to grant in this instance.

7.6.3. **Part V**

The proposed development seeks to construct 9 residential units on a site covering 0.24ha on a site which lies within of the development boundary of the town of Kanturk, and on lands zoned for residential purposes. The development is therefore subject to the requirements of Part V of the Planning and Development Act 2000, as amended.

7.6.4. **Development Contribution**

The subject development is liable to pay development contribution, and a condition to this effect should be included in any grant of planning permission.

7.6.5. **Engineering Issues**

The subject site has been subject to previous development and the Board will note that 6 houses previously constructed on the site had to be demolished due to

structural deficiencies. The current proposed development will require an amount of cutting into the site in order to construct the proposed split-level houses. The alteration of the existing site levels will result in a reduction of between 1-2.4m from the east of the site towards the lower elevations on the western side. The application included a Structural Engineers report which covers the structural design of the piles and structural elements of the proposed development and a second area of the wider estate site, which is also subject to a separate planning application, including the necessary retaining walls of 3m in height, in order to ensure the construction of the houses on the site. The report includes details of site investigations and all calculations associated with the engineering works proposed.

In terms of the subject appeal site, the report notes that 'fill or made ground is regarded as an unsuitable founding medium unless selected and compacted in a controlled and engineered environment. The fill on this site is not suitable for foundation purposes.' The report concludes that piling techniques using local and available contractors will be the most suitable option for this development.

In this regard, I note that the Councils Area Engineer raises concerns regarding the ground conditions at the site. Such engineering issues are a matter for the developer in the event of a grant of permission.

8.0 Appropriate Assessment

8.1. Introduction:

- 8.1.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any Natura 2000 site and the development the subject of this application and appeal is not directly connected with or necessary to the management of a European site. The applicant did not submit an AA Screening or Natura Impact Statement.

8.2. Consultations

- 8.2.1. With regard to consultations, the Board will note that the PA or any other party raised no concerns with regard to AA matters.

8.3. Screening for Appropriate Assessment

- 8.3.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

- 8.3.2. The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 260m to the south of the site. The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161) lies approximately 11.2km to the north west.

- 8.3.3. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

- 8.3.4. The subject site lies within of the urban area of Kanturk, and adjacent to a primarily residential area. The proposed development will comprise the construction of 9

houses, with associated entrance, roads and open space. The development will connect to public services and is not located within any designated site.

8.3.5. In terms of Qualifying Interests of the Natura 2000 sites identified above, the subject site while currently greenfield, actually comprises a previously made site given the history of the site. 6 residential units were constructed on the site and were subsequently demolished due to structural deficiencies. As such, the existing greenfield nature of the site is not its natural form. The site does not appear to contain any of the habitats or species associated with any Natura 2000 site.

8.3.6. I am satisfied that in light of the above, the Natura 2000 sites identified to be located within the 15km zone of influence, can be excluded as the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, I conclude that no significant impacts on the identified site is reasonably foreseeable and that they can be excluded at the preliminary stage for the following reasons:

- Site is located entirely outside the EU site and therefore there is no potential for direct effects.
- No habitat loss arising from the proposed development.
- No disturbance to species.
- No pathways for direct or indirect effects.

8.4. In Combination / Cumulative Effects

8.4.1. Given the nature of the proposed development, being the construction of 9 residential units on an urban and serviced site within the built-up area of Kanturk, I consider that any potential for in-combination effects on water quality of any of the Natura 2000 site can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in any of the identified Natura 2000 sites via rivers and other surface water features are also subject to AA.

8.5. Conclusion on Stage 1 Screening:

- 8.5.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022, the established residential use in the vicinity of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that the proposed development works, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26th day of April 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. The external finishes of the houses (including roof tiles/slates) shall be finished in accordance with the requirements of the Planning Authority. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of any development works at the site, full details of the proposed connections to the existing sewer networks, including an inspection of the existing estate collection network to ensure capacity, longitudinal sections of the proposed foul collection network and details of the extent of the foul network within the estate to be taken in charge, if any, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of public health.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

8. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

9. 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.

A. Considine
Planning Inspector
10th November 2022