



An  
Bord  
Pleanála

## Inspector's Report 314465-22

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<b>Development</b>	Construction of 3 no. dwellings in place of permitted crèche facility.
<b>Location</b>	Maryborough Ridge, Moneygurney, Douglas, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	22/41015
<b>Applicant(s)</b>	Glenveagh Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Alfredo Aloï
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> January 2023
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site is greenfield in nature, with a stated area of 0.14 ha, and is located within the Mount Woods residential estate at Maryborough Ridge, Moneygurney, Douglas, Co. Cork. The site is enclosed by open metal fencing and was inaccessible at the time of the inspection. The site slopes noticeably from south to north.
- 1.2. The site is adjoined by the rear boundary walls of 5 no. terraced and semi-detached, 2-storey dwellings at Nos. 2-6 Aspen Drive to the west, by internal estate roads immediately to the north and south and terraced and semi-detached 2-storey dwellings beyond, and by an area of green space immediately to the east. The neighbouring dwellings to the south of the internal estate road are elevated above the subject site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 3 no. dwellings and all ancillary site works resulting in alterations to the residential scheme originally permitted under Planning Reg. Ref. 16/7271 consisting of the replacement of the crèche with 1 no. detached and 2 no. semi-detached units.
- 2.2. Each of the proposed dwellings is 2-storeys in height. Unit no. 1 is a 4-bedroom (7 bedspace), detached dwelling of 110 m<sup>2</sup>. It is located at the southern end of the site. Its front elevation is orientated towards the adjoining green space to the east. A separation distance of 19.45 m arises between the rear elevation of this dwelling and the rear elevation of No. 2 Aspen Drive to the west.
- 2.3. Unit Nos. 2 and 3 are 3-bedroom (5 bedspace) semi-detached dwellings of 92 m<sup>2</sup>. These dwellings front onto the internal estate road adjoining the site to the north and Nos. 9 and 10 Aspen Drive beyond. A separation distance of 12.2 m arises between the rear elevation of unit no. 3 and the side elevation of unit no. 1. The 1<sup>st</sup> floor side elevation of unit no. 1 facing towards the rear elevation of unit no. 3 is characterised by 2 no. small windows which serve a landing and a bathroom.
- 2.4. Vehicular access to unit no. 1 is proposed from the internal estate road to the south of the site, while unit nos. 2 and 3 are accessed from the north. Each dwelling is served by 2 no. off-street car parking spaces.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission for the proposed development subject to 6 no. conditions issued on 2<sup>nd</sup> August 2022.
- 3.1.2. Condition no. 3 requires the developer to enter into a Part V agreement prior to the lodgement of a commencement notice.
- 3.1.3. Condition no. 4 requires the developer to ensure that the access driveways are compliant with the requirements of DMURS, specifically in relation to visibility splays and sight lines.
- 3.1.4. Condition no. 5 requires the developer to provide a minimum 2 m wide footpath along the north and south frontages of the development in compliance with DMURS.
- 3.1.5. All other conditions are generally standard in nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (3<sup>rd</sup> June 2022 and 28<sup>th</sup> July 2022)

- 3.2.2. Following their initial assessment of the planning application, Cork City Council's Planning Officer recommended that **Further Information** was required in relation to 1 no. item as follows:

(1) The applicant is requested to explore relocating the vehicular entrance associated with the southern residential unit. The introduction of a new vehicular entrance at this location is at odds with the layout of this section of the internal estate road, where no other direct entrances (driveways) are located. Legibility is a key requirement in the design of roads for all road users and the applicant is requested to explore an alternative location for the vehicular entrance in this context. Any alternative should not encroach on the area of public open space to the east.

- 3.2.3. The applicant submitted a **Response to the Request for Further Information** on 6<sup>th</sup> July 2022. The proposed vehicular entrance has been relocated to the northern end of the site as illustrated on Drawing No. 21147/P/0003 Rev. P2.

- 3.2.4. Cork City Council's Planning Officer subsequently recommended that planning permission be granted for the proposed development subject to conditions.
- 3.2.5. **Other Technical Reports**
- 3.2.6. **Environment (25<sup>th</sup> April 2022):** No objection to the proposed development subject to the attachment of the original conditions of the parent permission.
- 3.2.7. **Infrastructure Development Directorate (6<sup>th</sup> May 2022):** No objections to the proposed development subject to conditions.
- 3.2.8. **Housing and Community Directorate (26<sup>th</sup> May 2022):** No objection to the proposed development subject to condition.
- 3.2.9. **Urban Roads and Street Design (3<sup>rd</sup> June 2022 and 13<sup>th</sup> July 2022):** Initial recommendation that **Further Information** be requested in relation to the possible relocation of the vehicular entrance associated with the southern residential unit.
- 3.2.10. Following the applicant's Further Information submission, no objection arose to the proposed development.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Inland Fisheries Ireland (22<sup>nd</sup> April 2022):** Requests that Irish Water signifies there is sufficient capacity in the public sewer, so the development does not overload the existing treatment facilities or result in polluting matter entering waters.
- 3.3.2. **Irish Water (12<sup>th</sup> June 2022):** No objection to the proposed development subject to conditions.

### 3.4. **Third Party Observations**

- 3.4.1. One third party observation was made on the application by Alfredo Aloi, 36 Birch View, Mount Woods, Douglas, Cork. The issues which are raised can be summarised as follows: (1) lack of green spaces in the Mount Woods development, which would be compounded by the proposed development, (2) safety concerns during construction, (3) landscaping of public open spaces in Birch View area of the Mount Woods development has not been completed in accordance with submitted landscape plans, (4) gradient of road to south of proposed site will require significant modification and is the main access road to the Birch View development, (5) site should be suitably landscaped and turned into an open kickabout area.

## 4.0 Planning History

- 4.1. **ABP Ref. 307041-20:** Planning permission granted on 19<sup>th</sup> August 2020 for a SHD scheme comprising 449 no. residential units (315 no. houses, 134 no. apartments), a crèche and associated site works.
- 4.2. The permitted crèche facility has capacity for 80 spaces and was designed to cater for the development permitted under Planning Reg. Ref. 16/7271 and the SHD scheme.
- 4.3. **Planning Authority Reg. Ref. 16/7271:** Permission granted on 9<sup>th</sup> November 2017 for the construction of 200 no. residential units (86 no. semi-detached dwelling houses, 70 no. townhouses, 22 no. ground floor apartments with 22 no. duplex apartments overhead), a crèche and all associated ancillary development works including the completion of a roundabout and road improvements onto Maryborough Hill, footpaths and cycle lanes, bus stop, foul and storm water drainage, boundary treatments, landscaping and amenity areas and the removal of existing electricity transformer / substation and construction of new electricity substation.
- 4.4. The permitted crèche facility is located on the appeal site but has not been implemented.

## 5.0 Policy and Context

### 5.1. Cork City Development Plan 2022-2028

- 5.1.1. While the Cork County Development Plan 2014 was in force at the time this planning application was lodged, the site is now located within the administrative area of the Cork City Development Plan 2022-2028, which is the relevant local planning policy document for the purposes of adjudicating this appeal case.

### 5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “ZO 01 – Sustainable Residential Neighbourhoods” which has the objective “to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses”. The provision and protection of residential uses and residential amenity is a

central objective of this zoning. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

### 5.3. Development Management

5.3.1. Cork City Council will ensure that all new houses are designed to excellent design standards. Regard will be had to the guidance contained in “Quality Housing for Sustainable Communities” (2007). New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or contemporary architectural language and adopting typical features. Private amenity space for houses should aim to be at least 48 m<sup>2</sup> (objective 11.5 refers). Car parking in Zone 2 of the city, which includes the city suburbs, is required at a rate of 2 no. spaces for 3 - 3+ bedroom dwellings.

### 5.4. Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

5.4.1. Table 5.1 of the Guidelines identifies target gross floor areas for a range of different dwelling types. Those which are relevant to this appeal case are set out below.

Unit Type	Target Gross Floor Area (m <sup>2</sup> )	Min. Main Living Room (m <sup>2</sup> )	Aggregate Living Area (m <sup>2</sup> )	Aggregate Bedroom Area (m <sup>2</sup> )	Storage (m <sup>2</sup> )
4-bed/7-person/2-storey house	110	15	40	43	6
3-bed/5-person/2-storey house	92	13	34	32	5

### 5.5. Natural Heritage Designations

5.5.1. None.

5.5.2. The nearest European site to the appeal site is Cork Harbour SPA (site code: 004030) which is located 2 km to the north-east at its closest point.

## **5.6. EIA Screening**

- 5.6.1. Having regard to the nature and scale of the proposed development, comprising 3 no. infill dwellings on zoned, residential land, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. A third-party appeal against the Planning Authority's Notification of the Decision to Grant Permission for the proposed development has been lodged by Alfredo Aloï, 36 Birch View, Mount Woods, Douglas, Cork. The grounds of appeal can be summarised as follows:

- There is a low level of green space for the existing Mount Woods development, which will be further reduced on foot of the proposed development.
- A reasonable level of open space is critical given the large numbers of young children living in the development and the existing lack of recreational play areas.
- The current proposal is wholly inappropriate for the area and would detract from the amenity value of the Mount Woods development.
- It is important to retain all green space that currently exists.
- Construction traffic associated with the development would use the sole entrance road for the entire Maryborough Ridge estate. This will impact on the safety of children who play on this road due to the lack of green space and on drivers and pedestrians.
- The new access road proposed as part of planning application reg. ref. 16/7271 has not been opened to local traffic even though it was required by condition to be completed prior to any development.

- Portions of the landscaping of the public open spaces and gardens of the Birch View section of the Mount Woods development have not been completed in accordance with the submitted landscape plans.
- The current landscaping deteriorates the amenity value of the area, and the proposed additional housing would further deteriorate this value.
- The Architectural Design Statement identifies access via the currently blocked access road to the Maryborough Hill roundabout and does not allow for access of pedestrians, cyclists and vehicles as proposed. The SHD scheme is proposing to use this entrance as a main construction entrance, which will take a number of years to complete. Much of the areas highlighted as public open space are at such a gradient that they are rendered completely useless and should not be counted as public space.
- Given the existing scale of development, lack of access roads with associated traffic and safety concerns, the lack of green spaces, poor landscaping finish and high density SHD, the subject site should be retained, and the fencing removed.
- This site should be suitably landscaped and turned into an open kick-about area.

6.1.2. The appeal submission includes a copy of the appellant's observation receipt (Appendix A), the appellant's observation submitted at planning application stage (Appendix B), a copy of a compliance submission submitted by the applicant to Cork County Council in March 2019 (Appendix C), a copy of the An Bord Pleanála Inspector's Report in relation to ABP Ref. 307041-20 (Appendix D), a copy of a landscaping report received by Cork County Council in December 2016 (Appendix E), photographs of current landscaping in Birch View (Appendix F) and landscape map extracts (Appendix G).

6.1.3. The contents of these appendices have been reviewed and noted in the adjudication of this appeal case.



## 6.2. Applicant Response

6.2.1. A response to the appeal was submitted by McCutcheon Halley Planning Consultants on behalf of the applicant on 21<sup>st</sup> September 2022. The response can be summarised as follows:

- The appellant's comments largely relate to historic planning applications and the appeal should be dismissed.
- The proposed development does not reduce or replace any of the proposed open space provision given that the housing units are to be constructed on the site of the previously approved crèche.
- The proposed development is consistent with the architectural treatment of the surrounding area, responds to the site topography, will integrate with the landscape and address street frontages and the public open space to the east.
- The appellant's safety concerns relate to the 2016 planning application and the SHD scheme which is not due to commence until 2023. The applicant will set out details of security fencing, construction traffic routes, directional signage and timing of construction traffic routes, which will address the appellant's concerns.
- The proposed development will be delivered within the same timescale as the permitted SHD scheme and will fully adhere to the attached planning conditions regarding construction management and safety.
- The appellant's landscaping concerns relate to the 2016 planning application which is under construction and the issues raised do not relate to the proposed development. The applicant will ensure all landscaping features are fully implemented as will be agreed with the Planning Authority through a compliance submission.
- The appellant's commentary regarding the Architectural Design Statement is dealt with by the conditions attached to the permitted SHD application and does not relate directly to the appeal.

- The proposed development is fully consistent with national, regional and local policy, is suitable in terms of scale and design and will not affect the amenities of the residential area.

6.2.2. The response includes copies of the historic planning consents referenced by the appellant and a copy of the Planning Authority's decision on the current appeal case.

### 6.3. **Planning Authority Response**

6.3.1. None received.

### 6.4. **Observations**

6.4.1. None.

## 7.0 **Assessment**

7.1. A number of the issues which have been raised by the appellant fall outside the scope of this appeal and relate to wider concerns across the Mount Woods Estate. In my opinion, the main issues which are of relevance to this case include:

- Loss of Green Space
- Construction Impacts
- Standard of Development / Compliance with Development Plan Standards
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

### 7.3. **Loss of Green Space**

7.3.1. The appellant submits that there is a low level of green space for the Mount Woods development, which will be further reduced on foot of the proposed development. The appellant also submits that the site should be suitably landscaped and turned back into an open kick-about area. In response, the applicant's agent states that the proposed development does not reduce or replace any of the proposed open space provision given that the housing units are to be constructed on the site of the previously approved crèche.

- 7.3.2. In my opinion, the concerns which have been raised by the appellant in relation to the level of open space provision are without substance in the context of this appeal case and primarily relate to issues concerning the wider Mount Woods development. As such, these matters are not open for adjudication under this appeal case.
- 7.3.3. In considering the loss of the subject site as a green space, I note that it has planning permission for a crèche facility as part of a larger development of 200 no. residential units on the adjoining lands (Planning Authority Reg. Ref. 16/7271 refers). This crèche facility has not been delivered on the subject site. Planning permission was subsequently granted for a SHD development of 449 no. residential units and a crèche facility on neighbouring lands to the south (ABP Ref. 307041-20 refers). This crèche has been designed to cater for the development which has been permitted under both applications.
- 7.3.4. Thus, the subject site has not been identified as open space as part of the planning permission which has been implemented on the adjoining lands. As such, I am satisfied that the development of the site for residential purposes would not result in the loss of open space to serve the permitted residential development, and that this point of appeal can be dismissed.

#### **7.4. Construction Impacts**

- 7.4.1. The appellant has raised safety concerns for children, drivers and pedestrians arising from construction works. In response, the applicant's agent submits that the appellant's concerns relate to the 2016 planning application and the permitted SHD scheme, which is not due to commence until 2023. It is further submitted that the proposed development will be delivered within the same timescale as the permitted SHD scheme and will fully adhere to the attached planning conditions regarding construction management and safety.
- 7.4.2. In my opinion, the issues which have been raised by the appellant can be addressed through the preparation of a Construction Management Plan for agreement with the Planning Authority prior to the commencement of development. While the development is small in scale, I consider this requirement is reasonable having regard to the proximity of the site to existing residential developments and an area of open space. This matter can be addressed by condition should the Board decide to grant planning permission in this instance.

## **7.5. Standard of Development / Compliance with Development Plan Standards**

- 7.5.1. The applicant's HQA confirms that the overall unit sizes and private amenity space provision exceed the minimum requirements. I note that the design and materials of the proposed dwellings reflect that of the neighbouring dwellings at this location. As such, I am satisfied that the proposed development comprises an appropriate infill scheme at this location.
- 7.5.2. Following the applicant's Response to the Request for Further Information, the Planning Authority was satisfied with the proposed site plan layout, including the proposed vehicular access to the detached unit from the estate road to the north. The Infrastructure Department of the Planning Authority recommended the attachment of conditions requiring the access driveways, footpaths and pedestrian connections to be DMURS compliant and the provision of a 2 m wide footpath to the north and south frontages of the development (condition nos. 4 and 5 of the Planning Authority's decision refers). These requirements are reasonable in my opinion and can be addressed by condition should the Board grant permission for the proposed development.
- 7.5.3. The applicant identifies that 198 no. residential units are permitted under Planning Reg. Ref. 16/7271 and that the proposed development will require the provision of an additional Part V unit. This matter can be addressed by condition if the Board grants planning permission for the proposed development.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, comprising 3 no. infill dwellings on zoned residential land within an existing residential estate, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1. I recommend that planning permission be granted for the proposed development.

## 9.0 Reasons and Considerations

9.1. Having regard to the location of the site on serviced urban land, the “ZO 01 – Sustainable Residential Neighbourhoods” land use zoning of the site, the existing and permitted pattern of residential development at this location, 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 reflect the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of July 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
3.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
4.	<p>(a) A 2 m wide pedestrian footpath shall be provided along the northern and southern frontages of the site.</p> <p>(b) The access driveways, footpaths and pedestrian connections shall comply with the requirements of the Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>

5.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

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.

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Louise Treacy  
Senior Planning Inspector

4<sup>th</sup> April 2023