



An
Bord
Pleanála

Inspector's Report

ABP-317168-23

Development

Modifications to previously granted application (ABP-310020-21) for the construction of 3 houses. To include increasing the overall area of each house, minor alterations to site entrances, minor alterations to the locations of the houses on site, alterations to the elevations and layouts, and alterations to site boundaries, landscaping and all ancillary site works.

Location

Site to rear of No. 18 St. Finbarrs Park, The Lough, Cork City

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

22/41195

Applicant(s)

Waterfront Developments The Lough Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant, subject to conditions.

Type of Appeal

Third Party

Appellant(s) John McSweeney.

Observer(s) None.

Date of Site Inspection 17th August 2023.

Inspector Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site is located to the west of The Lough, in Cork's south-west inner suburbs, and enclosed between Hartland's Road to the north east and St Finbarr's Park to the south east. The site has a long frontage onto The Lough, but the main vehicular and pedestrian access is via a laneway between nos. 18 and 19 St Finbarr's Park, which are also part of the appeal site.
- 1.2. The main body of the site is situated within back lands between Hartland's Road and St Finbarr's Park and enclosed on three sides by adjacent rear gardens. The site is generally regular in shape and orientated in an easterly direction, sloping downwards towards the open aspect of The Lough. The site is currently vacant but the properties at nos. 18 and 19 St Finbarr's Park are undergoing refurbishment and extension.
- 1.3. The total site area is 0.31 hectares. The main body of the site is enclosed by means of temporary fencing/hedgerows. The base of two large trees, which have been felled, are evident on the south-western boundary and a closed-up pedestrian gateway forms a feature on the south-eastern boundary. This gateway would have provided access to the site from the public footpath at The Lough.
- 1.4. The surrounding area is predominantly residential, characterised mainly by two storey semi-detached dwellings on St Finbarr's Park, and detached single and dormer style dwellings on Hartland's Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for modifications to the previously granted permission for the construction of a residential development of 3 no. detached two storey dwellings. The proposed modifications include:
 - Increasing the overall area of each of the houses from 218sqm to 263.57 sqm.
 - Minor alterations to site entrances at Nos. 18 and 19 St. Finbarr's Park.
 - Minor alterations to the locations of the houses on site.
 - Alterations to the elevations and house layouts.
 - Alterations to site boundaries, landscaping and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Cork City Council on the 27th of April 2023, subject to 18 generally standard conditions, including a requirement to comply with the conditions of the parent consent, where relevant.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report raises the following points of note:

- The report notes that the development is still supported in principle in terms of land use zoning.
- The Planning Authority consider the amendment to reorientate house no. 3 (to mirror house nos. 1 and 2) to be acceptable.
- The change to the position of the houses, which removes the previously approved staggered formation, is not considered a positive change. The Planning Authority consider that this should revert back to the approved formation by way of Further Information.
- Changes to the west elevation of house no. 3 raises concerns regarding neighbouring amenity due to the first floor windows that could result in overlooking. The planning Authority considered that these windows should be replaced by high level horizontal windows.
- The report notes that the access, driveway and parking arrangements are as permitted but that Further Information is requested to demonstrate DMURS compliance.
- The increased width and footprint of the dwellings is noted, as are the consequent reduced separation distances to the site boundaries and the concerns regarding amenity raised by third party observers. The Planning Authority do not consider that the reduced separation distances would result in any significant amenity impacts.
- Changes to the landscaping are noted and Further Information was requested to ensure that boundary planting would provide appropriate screening.

- The increase in the size of the dwellings and the amendments to the design are generally considered to be acceptable as is the increase in overall height (by approximately 1m). The cumulative amendments to the design and scale are considered to be minor.
- The Planning Authority consider that the amendments to the permitted scheme do not give rise to any new concerns regarding the visual amenity of the area.
- Further information was therefore requested regarding:
 1. Reverting to the previously approved staggered formation.
 2. Amendments to window treatment on house no. 3.
 3. Additional information on landscape plan.
 4. Information to demonstrate DMURS compliance.
 5. Revisions to stormwater management strategy and design.
 6. Information to demonstrate compliance with condition 6 of the parent permission.
- Further information was submitted in addition to further clarifications with the Planning Authority ultimately satisfied that all matters had been suitably addressed.

3.2.2. Other Technical Reports

3.2.3. Contributions (24.04.2023): No objection, subject to conditions.

3.2.4. Drainage (18.07.2022 and 10.01.2023): There is a need to demonstrate compliance with Condition 6 of the Board's planning permission. Additionally, the Stormwater Management Strategy needs to be amended. This information was requested by further information and a subsequent clarification. The further information submitted was considered acceptable and permission was recommended, subject to conditions.

3.2.5. Environment Report (06.07.2022): No objection, subject to conditions.

3.2.6. Urban Roads and Street Design (13.07.2022, 03.01.2023, 24.04.2023): Further information was requested to demonstrate compliance with DMURS. On submission of the further information, no objections were raised, subject to conditions.

3.3. Prescribed Bodies

3.3.1. **Uisce Éireann (10.08.2022):** No objections.

3.4. Third Party Observations

3.4.1. Five observations were made on the planning application and the issues raised are comparable to the grounds of appeal which are set out in detail at section 6.0 below. Issues raised in addition to those made in the grounds of appeal include:

- The dwellings at Nos. 18 and 19 St Finbarr's Park have been sold, this could have implications for compliance with the planning permission/enforcement.
- There is a discrepancy on the plans regarding the layout of Nos. 18 and 19 St Finbarr's Park.
- Previously the boundary walls were shown flush with the dwellings at Nos. 18 and 19. Now they are set back, leaving the corners of the houses protruding and creating a safety issue through the creation of snag points.
- The current drawings reflect the existing access walls as existing and not built in line with the planning permission, safety features and rubbing strips are absent. This would not be in line with DMURS.
- Past reports have found Japanese knotweed on the site. The operational procedure within the Ecological Impact Assessment should be followed to prevent spread during soil disturbance.
- Bats have migrated to the nearby hedges, trees and properties following the removal of trees on the site. The proposed fence placed at the hedgerows will impact on this bat population. An up to date bat survey should be required.

4.0 Planning History

Parent Permission

4.1.1. **ABP Reference 310020/Planning Authority Reference 20/39421:** Permission was granted by the Board in August 2021 for the construction of a residential development of three detached two-storey dwellings, new site entrance onto St. Finbarr's Park, alterations to existing site entrances at Nos. 18 & 19 St. Finbarr's Park, modifications to existing site boundary treatments and all ancillary site works.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2022-2028

- 5.1.1. The appeal site is categorised as Zone ZO 1: Sustainable Residential Neighbourhoods, the primary objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses. The CDP also notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.
- 5.1.2. The site is located next to an Area of High Landscape Value (AHLV) – The Lough. Objective 6.23 applies and states that new development in AHLV must respect the character and the primacy and dominance of the landscape. In particular, development on topographical assets such as steep sided slopes, escarpments and ridges is considered to be inappropriate due to the detrimental impact of site and excavation works on the landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value.
- 5.1.3. Chapter 2: Core Strategy, seeks to deliver Strategic Objective 1 of the CDP, Compact Liveable Growth, with the aim of improving quality of the life in the city. The relevant objectives of this chapter are:
- Objective 2.31: Compact Growth
 - Objective 2.32: Housing Supply
- 5.1.4. Chapter 3 of the CDP sets out the policies for achieving Strategic Objective 2, Delivering Homes and Communities, with the aim of delivering housing and creating and maintaining sustainable neighbourhoods and the community infrastructure needed to ensure that diverse communities all benefit from a good quality of life. Relevant objectives of this chapter include:
- Objective 3.4: Compact Growth
 - Objective 3.3: New Housing Supply
 - Objective 3.5: Residential Density

- Objective 3.9: Adaptation of Existing Homes, Infill Development, and Conversion of Upper Floors.

5.1.5. Chapter 11 includes the policies aimed at delivering Strategic Objective 9, Placemaking and Managing Development. This chapter sets out the Council's guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. Relevant objectives and sections of this chapter include:

- Objective 11.1 Sustainable Residential Development
- Objective 11.3: Housing Quality and Standards
- Objective 11.4: Daylight, Sunlight and Overshadowing
- Objective 11.5: Private Amenity Space
- Section 11.67: Design Quality
- Section 11.69: Residential Density
- Section 11.91: Quantitative Standards
- Section 11.100: Separation, Overlooking and Overbearance
- Section 11.112: Public Open Space in Housing Developments
- Section 11.139: Infill Development
- Section 11.234: Car and Bicycle Parking

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Southern Region

5.2.1. This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

5.3. National Policy

National Planning Framework – Project Ireland 2040

5.3.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements whilst 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. Objective 35 is 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.

5.4. Ministerial Guidelines

- Quality Housing for Sustainable Communities, Guidelines for Planning Authorities (2007).
- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

5.5. Natural Heritage Designations

- 5.5.1. The site is not located in or immediately adjacent to any European sites. Cork Lough proposed Natural Heritage Area (pNHA) (001081) is located close to the site.

5.6. EIA Screening

- 5.6.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party Appeal has been received by John McSweeney of Arbutus, Hartlands Road, The Lough, Cork. The appellant's property sits to the east of the appeal site. The grounds of appeal can be summarised as follows:

- 6.1.2. Overlooking and Privacy

- The range of changes to the size, scale, landscape design, vehicular infrastructure, and orientation of the proposed dwellings modifications of consequence that should be evaluated as a whole.
- The development would result in overlooking to the dwelling and garden ground at Arbutus and the proposed mitigation is insufficient to overcome the privacy and overlooking issues.
- The applicant did not fully comply with the further information request from CCC as they provided opaque glazing rather than the clerestory style windows.
- Opaque glazing can easily be replaced, and a permanent solution is required.
- The wood slats covering the windows do not reduce overlooking, lack permanence, can be easily removed, and have a short lifespan.
- The side elevation of House no. 3 would affect privacy, light and outlook of the dwelling at Arbutus due to its proximity, direct overlooking and visual obtrusiveness.

6.1.3. Access

- Pedestrian and vehicle conflict was raised as an issue on the previously approved application. The current application is similar, and no Traffic Regulation and Safety report has been submitted, and the access layout is a concern for the same conflict to occur. No report has been received from the Transport Mobility Roads and Transportation Directorate.
- A Road Safety Audit should be considered to ensure the entrance meets the requirements of DMURS.
- The entrance to the site is narrow, pedestrians and vehicles are not segregated, and this is a potential safety issue.
- The narrow enclosed section of access between Nos. 18 and 19 St Finbarr's Park is a danger to vehicles due to diminished sightlines.
- The proposed entrance would be indirectly opposite an existing T junction, and this could be disorientating to motorists due to its unconventional location and poor legibility.
- The raised table doesn't integrate well into the existing infrastructure on St Finbarr's Park.
- The site entrance, the parking bays for the dwellings either side, and the junction opposite have serious implications for pedestrian and traffic safety.

- Given the various request for FI and the use of planning conditions, it is questioned if the access facilitates the safety requirement of DMURS.
- Access and egress to no. 18 St Finbarr's Park is problematic and there would be conflict with the pillars, pedestrian footpath and existing on street parking.
- No sightlines are provided for nos. 18 and 19 St Finbarr's Park, conflicts and blind spots have not been investigated and this needs to be clarified.

6.1.4. Landscaping

- Reductions in pier height would have little effect on sightlines if vehicles were parked in nos. 18 and 19. Also the possibility of planting hedges/shrubbery alongside this access to hide the undesirable view has not been considered.
- Each house would increase in size by 45.57sqm and this would reduce green space and result in major changes to the landscaping plan.
- The footpaths on the eastern side of no. 3 are too narrow for pedestrians and disabled persons to move around the house.
- The dwellings are too close to the boundaries, the space is constrained and has impacts on access, planting, upkeep of fences and maintenance.
- Compared to the ABP approved scheme, the development would result in the loss of 18 new trees that would no longer be planted. The proposed trees lack the depth, height, and physical characteristics to mitigate overlooking, privacy and visual effects.

6.1.5. Layout/Scale/Density

- The proposed staggered layout of the dwellings lacks the definition of the original design, the response to the FI request would not help break up the massing.
- The development would be visually obtrusive and overbearing in relation to the existing dwellings and the Lough.
- Dwellings increase in size by 20.9% and they are more overbearing than approved.
- The proposal is overdevelopment, and the dwellings would be both overlooked and would overlook neighbours.
- The dwellings would cause overshadowing and would interfere with light.
- The dwellings are not in keeping with the character of the area.

6.1.6. Entrance to the Lough

- The proposal reopens a defunct access on the Lough that has not been used for more than 20 years.
- People using this access will cross directly to the house of choice without following the path provided and this would be a safety issue within the site due to vehicle and pedestrian conflict.

6.1.7. Vehicular Parking

- Parking is insufficient and would lead to parking along the boundaries causing noise, interference and light pollution to adjoining residents.

6.1.8. Fire Hazard

- Insufficient separation distances, use of wooden cladding and condensed landscaping would be a fire hazard and would allow fire to spread quickly with dire consequences.

6.2. **Applicant Response**

6.2.1. No response.

6.3. **Planning Authority Response**

6.3.1. No response on file.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

7.1.1. At the outset I would acknowledge that the grounds of appeal raise many issues pertaining to the approved development and key principles of the development that remain as permitted, including site access and egress, parking, open space, and

services. Those elements of the development that are not being modified or varied, and which have the benefit of planning permission (and thus issues relating to the totality of the development), should not be revisited. I am therefore satisfied that the Board can consider the acceptability of the proposed changes only.

7.1.2. 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:

- Design and Amenity
- Access and Parking
- Other Matters
- Appropriate Assessment

7.2. **Design and Amenity**

7.2.1. The grounds of appeal raise concerns that the proposed layout of the dwellings lacks the definition of the original design, and that the dwellings would be visually obtrusive and overbearing in relation to the existing dwellings and the Lough. Further concerns are that the dwellings have increased in size and that they are therefore more overbearing than approved and constitute overdevelopment. The dwellings are not considered to be in keeping with the character of the area.

7.2.2. Broadly, the proposed design amendments to the approved dwellings include alterations to their positioning, the reorientation of house no. 3 to match that of house nos. 1 and 2, and an increase in footprint as a result of increases to the height, scale and massing. In terms of detailed design and architectural treatment, the proposed dwellings are remaining largely as approved.

Positioning of Dwellings

7.2.3. As originally approved, the dwellings had a staggered formation with the frontage of each house progressively set back from west to east. The originally submitted modifications removed this staggered formation and the Planning Authority requested that it be reinstated in order to assist in breaking up the massing. This was requested

by Further Information and the matter was resolved to the Planning Authority's satisfaction, albeit with less of a set-back than originally approved on the parent permission. In any event, I consider the amended staggered formation as proposed to be acceptable and whilst not as pronounced as the approved scheme, the set back is discernible, and the proposed formation does not result in any significant amenity concerns or reduced design quality.

Increased Footprint, Height, Scale, and Massing

7.2.4. The approved dwellings would be increasing in size from 218sqm to 263.57 sqm. This is a result of the proposed increased width and depth of the dwellings. As approved, the dwellings measured 8.85m in width and 15.3m in depth. As proposed, the dwellings would measure 9.3m in width and 20.3m in depth. This is largely a result of providing a sunroom to the rear of each dwelling, and reconfiguring the space on the upper levels although I note that the overall number of bedrooms would not be increasing.

7.2.5. In terms of height, when measured above ground level, the dwellings would increase by approximately 1m at the front, with a very minor reduction in height of 0.1m to the rear, largely due to the change in levels that slope downwards towards The Lough. The increase in the depth of the dwellings by 5m is the most significant change and this would certainly be noticeable, particularly from the appellant's property which sits to the east. The separation from the boundary would be approximately 2m and the depth of the rear garden is significant, in excess of 22m from the boundary to the rear wall of the appellant's dwelling. Taking this separation distance into account, alongside the limited height of the proposed amended dwelling, which ranges from 6.1m at the rear to 7.95m at the front, I am satisfied that the proposed increase in scale, massing and overall footprint would not have any significant impact on residential amenity.

Reorientation of House no. 3 and Amenity Impacts

7.2.6. Amenity concerns raised in the grounds of appeal are that the design changes to the development would result in overlooking and loss of privacy to the appellant's dwelling to the east (Arbutus). It is argued that the proposed mitigation is insufficient to overcome the privacy and overlooking issues as the applicant failed to provide clerestory style windows as requested by Cork City Council. Concerns are that opaque glazing can easily be replaced and that the wood slats covering the windows do not reduce overlooking.

- 7.2.7. These concerns are largely a result of the reorientation of House no. 3 to match the layout of house nos. 1 and 2. As a result of these changes, house no. 3 now introduces glazing on the north-east facing façade which bounds the appellant's property. None of the proposed windows serve habitable rooms and as such the use of obscure glazing is an appropriate mitigation method. The Planning Authority had originally requested that the large east facing floor to ceiling windows serving the mezzanine on the upper level be replaced with high level glazing. The applicant submitted revisions to make these windows obscure glazed and fixed shut to a height of 1.8m, rather than changing them to high level glazing and the Planning Authority accepted this approach.
- 7.2.8. In my opinion, despite the extent of glazing proposed by the applicant being significantly greater than what would be possible with high level windows, I am satisfied that the combination of obscure glazing, wooden slatted screening, and fixed shut windows to a height of 1.8 metres would be sufficient to overcome any concerns with regards to perceived or actual overlooking.
- 7.2.9. Despite the increase in massing, the overall height of the dwellings and their relationship to the adjacent plots is such that I do not consider that there would be any significant impacts in terms of overshadowing, loss of light, or loss of outlook. I am satisfied that the dwellings would not be overbearing on the appellant's property, property within the vicinity (including the dwellings bounding the site on St Finbarr's Park), or on The Lough.
- 7.2.10. Further concerns raised in the appeal are that the combination of insufficient separation distances, use of wooden cladding, and condensed landscaping would be a fire hazard. I do not consider the separation distances or landscaping to be an issue in terms of fire hazard and the development would be required to comply with the relevant building regulations, including the use of appropriately rated materials.
- 7.2.11. The level of open space provision to the dwellings and the overall landscaping within the site, including the balance of tree retention and tree replacement, is acceptable in my opinion and appropriate screening would be provided by planting on the boundaries.

7.3. Access and Parking

- 7.3.1. Many concerns have been raised in the grounds of appeal regarding access, both vehicular and pedestrian. These concerns largely relate to the appellant's view that

the narrow enclosed access between nos. 18 and 19 St Finbarr's Park is a danger to vehicles, that sightlines would not be achieved, that the proposed entrance would be indirectly opposite an existing T-junction and that this could be disorientating to motorists due to its unconventional location and poor legibility, as well as further concerns about the site entrance layout.

- 7.3.2. The Board should be advised that the vehicular entrance and access proposal is remaining as approved, subject to some minor amendments regarding the location of existing boundary walls (such as those fronting onto St Finbarr's Park), an amended raised table at the site entrance and other additional minor revisions requested by the Planning Authority in order to demonstrate compliance with DMURS regarding carriageway width, surfacing, raised tables and the provision of an uncontrolled pedestrian crossing. The principle of the access and the layout/form are therefore settled matters, and in my opinion, the majority of the issues raised in the grounds of appeal relate to matters that already have the benefit of permission and the minor amendments sought to the access, as requested by the Planning Authority, do not give rise to any substantive new traffic or vehicular access issues.
- 7.3.3. Pedestrian access is also remaining as approved, although I note that the internal pathway from The Lough takes an alternative route through the site. In my opinion, the alternative route does not raise any access or amenity issues and given the shared surface and low speed nature of the site, I do not consider that there would be any significant risk of vehicle/pedestrian conflict.
- 7.3.4. Further concerns raised by the appellant regarding insufficient car parking and access to The Lough are, in my opinion, unfounded as these matters are remaining as previously approved by The Board.

7.4. **Other Matters**

- 7.4.1. Observations on the planning application raised concern that Japanese knotweed is present on the site and that bats have migrated to the nearby hedges, trees and properties following the removal of trees on the site. The Ecological Impact Assessment submitted with the parent application concluded that the hedgerows along the site boundaries can be expected to experience some degree of bat activity (foraging and commuting) after sunset from spring to autumn. No evidence of bat roosts was found on the site, although the Monterey Cypress Trees were identified as

potential roosting sites, these were removed prior to the submission of the parent application.

7.4.2. The proposal provides for the planting of shrubbery, trees, and native hedges such as hawthorn and holly along the site boundaries and includes the retention of existing hedges, trimmed back with a new fence on the east boundary. Again, this is largely in line with the permitted scheme and in my opinion, no new substantive issues are raised in this regard.

7.4.3. In terms of Japanese Knotweed, condition 15 of the parent permission requires that the biosecurity recommendations of the Ecological Impact Assessment be followed during the construction phase. The proposed modifications would continue to be bound by the conditions of the parent permission (as clarified by Condition 1 set out in Section 10. below) and as such I am satisfied that this issue is appropriately addressed and mitigated.

7.5. **Appropriate Assessment**

7.6. Having regard to the nature, scale, and location of the proposal and/or nature of the receiving environment, and/or proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. From my assessment above, I recommend that the Board should uphold the decision of Cork City Council and grant planning permission for the proposed development, based on the reasons and considerations set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the zoning objective relating to the site and the nature and extent of the proposed development, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, heritage, traffic safety and amenity.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21st day of June 2022, as amended by the further plans and particulars submitted on the 9th day of December 2022 March 2021, and clarifications submitted on the 31st day of March 2023, and shall otherwise comply with the terms and conditions of the parent permission (Cork City Council Ref.20/39241 and ABP-310020-21), 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>Reason: In the interest of clarity.</p>
2.	<p>The dwellings shall be occupied as single residential units only.</p> <p>Reason: In the interests of the orderly development of the site.</p>
3.	<p>The development shall comply with the transport and access requirements of the Planning Authority, including surface materials, signage and raised table design. The details shall be submitted to and approved in writing by the Planning Authority prior to development commencing.</p> <p>Reason: To facilitate safe pedestrian and vehicular access within the proposed development.</p>
4.	<p>The development shall comply with the drainage requirements of the Planning Authority, including surface water drainage, run-off rates, attenuation, surface materials/paving, and details of sustainable urban drainage. Details shall be submitted to, and approved in writing by, the Planning Authority, prior to development commencing.</p> <p>Reason: In the interests of public health.</p>
5.	<p>Prior to commencement of development, the applicant shall submit to and agree in writing with the Planning Authority full details, including relevant areas, for the proposed Taking in Charge of the development, which shall be</p>

	<p>carried out and completed at least to the construction standards set out in the Cork City Council 'Taking in Charge Policy for Residential Development' (September 2010). Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
6.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
7.	<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 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. The application of any indexation required by this condition 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Terence McLellan
Senior Planning Inspector

29th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317168-23		
Proposed Development Summary	Modifications to previously granted application (ABP-310020-21) for the construction of 3 houses. To include increasing the overall area of each house, minor alterations to site entrances, minor alterations to the locations of the houses on site, alterations to the elevations and layouts, and alterations to site boundaries, landscaping and all ancillary site works.		
Development Address	Site to rear of No. 18 St. Finbarrs Park, The Lough, Cork City		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		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			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)
No		N/A	
Yes	X	Class 10 (b) (i), threshold >500 dwellings.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317168-23	
Proposed Development Summary	Modifications to previously granted application (ABP-310020-21) for the construction of 3 houses. To include increasing the overall area of each house, minor alterations to site entrances, minor alterations to the locations of the houses on site, alterations to the elevations and layouts, and alterations to site boundaries, landscaping and all ancillary site works.	
Development Address	Site to rear of No. 18 St. Finbarrs Park, The Lough, Cork City	
<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 Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p>Size of the Development Is the size of the proposed development</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing environment.</p>	No.

<p>exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p>Location of the Development</p> <p>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>The development would be located in a serviced residential area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</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>		

Inspector: _____

Date: _____