



An
Bord
Pleanála

Inspector's Report

ABP-317536-23

Development	Construction of 63 no. dwelling houses and all ancillary site works
Location	Cooline, Ballyvoloon, Cobh, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	225488
Applicant(s)	Rockspring Properties (Newport) Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ard Aoibhinn Residents Committee David & Joanne McCarthy
Observer(s)	None
Date of Site Inspection	04/09/2024
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The site, which has a stated area of 1.84 hectares, is located within the townland of Ballyvoloon, on the northern fringes of the existing settlement of Cobh, Co. Cork, approximately 20km south-east of Cork city. The site adjoins existing residential development to the north, south and west. It is steeply sloping in both southerly and easterly directions and there are level differences between the subject site and existing residential properties, with quite significant differences noted with properties to the north. It is currently under grass. An existing 38kv powerline traverses the site.

2.0 Proposed Development

- 2.1 The proposal comprises the construction of 63 no. dwellings and associated site development works. The proposal was amended on foot of a Further Information request by the planning authority and the proposal was amended, which included the omission of 2 no. dwellings, bringing the total proposed to 61 no. dwelling units. Then permitted scheme comprises the construction of 56 no. dwelling units consisting of

- 13 x no. 2 bed dwelling houses (terraced)
- 17 x no. 3 bed dwelling houses (terraced)
- 20 x 3 bed dwelling houses (semi-detached)
- 1 x 3 bed dwelling unit (detached)
- 5 x 4 bed dwelling houses (detached)

together with all associated ancillary development works.

- 2.2 Vehicular access is only feasible off the existing estate road serving the Cooline development, given the landlocked nature of the site. Proposal to provide pedestrian connection to the adjacent Ard Aoibhinn estate in the south-eastern corner of the site.
- 2.3 Application also includes for the omission of 3 no. dwelling houses from that permitted under Reg. Ref. 20/6323.

2.3 Proposed density is 30.43 units/hectare (based on permitted 56 no. units).

3.0 Planning Authority Decision

3.1 Decision

Permission GRANTED for 56 dwelling units, subject to 41 no. conditions

Condition No. 4 omits house No. 1-5 and stipulates that the subject area be reserved for use as a creche/childcare facility

Condition No. 5 stipulates that the applicant provide a suitable footpath connection on the SE corner of the site from the location indicated across the open space area in Ard Aoibhinn estate to link with the existing footpath network in Ard Aoibhinn.

Further Information was requested by the planning authority in relation to (i) planning and layout (ii) dwelling design (iii) creche (iv) water services and (v) public lighting.

The FI was deemed significant and revised public notices were submitted.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Senior Planner- Reflects decision of planning authority; recommends grant of permission
- Case Planner- Recommended a request for FI as per planning authority request; no further report on file

3.2.2 Other Technical Reports

Area Engineer- No objection, subject to conditions (25/07/2022)

Water Services Section- No objection, subject to conditions (06/04/2023)

Estates Section- No objection, subject to conditions (11/04/2023)

Public Lighting- No objection, subject to conditions (09/05/2023)

Housing Officer- No objection, subject to conditions (25/07/2022)

3.3 Prescribed Bodies

Uisce Eireann: No report on file to the planning authority. However, a Confirmation of Feasibility has issued and is included in the application documentation (dated 12/03/2022), which states that water and wastewater connections are feasible, without infrastructure upgrade by Uisce Eireann, subject to conditions.

Inland Fisheries Ireland: Requests that Uisce Eireann signify that there is sufficient capacity in the system so as not to overload either hydraulically or organically existing treatment facilities or result in polluting matters entering waters

3.4 Third Party Observations

The planning authority received a number of observations which raised issues similar to those contained in the third-party appeals.

4.0 Planning History

There are a significant number of applications on this site, many of which relate to alterations to parent permission, together with a number of permissions for extension of duration. I refer the Board to page 3 of the planning authority Planner's Report (dated 11/08/2022) for a full breakdown of these applications. The most recent extension of duration of permission dates to 2019 (19/4261). The parent permission dates back to 2005:

05/2345

Permission GRANTED for the demolition of sports pavilion and construction of 280 dwellinghouses, crèche, sports pitch and all associated site works.

The following application is referenced in the submitted public notices:

20/6323

Permission GRANTED for alterations and amendments to the previously granted planning permission 05/2345 extended under 14/4847 and 19/04261. The proposed amendment consisting of alterations to 28 permitted dwelling houses, omission of one permitted dwelling, change of house type and orientation on the eastern side of the site and all ancillary site works (decision date: June 2021).

An element of the subject site formed part of ABP-300844-18 in which the Board, in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, determined that the site is a vacant site within the meaning of that Act.

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region

5.2 Local Planning Policy

Development Plan

The Cork County Development Plan 2022-2028 applies.

- Cobh is identified as a Main Settlement in the Cobh Municipal District and as a Metropolitan town in the Cork Metropolitan Area. Cobh is the second largest of the Metropolitan Cork Towns.
- Section 2.5.1 'The vision for Cobh going forward is to provide for growth in population and employment...underpinned by the principle of compact growth and the optimisation of regeneration opportunities within the built envelope of the town'
- The Plan envisages that an additional 1,316 housing units will be required with approximately 872 housing units delivered on residentially zoned land and the balance of 288 delivered within the built footprint of the town.
- Zoning: The site forms part of a wider area zoned 'Established Residential/Mixed Residential and Other Uses'.
- There are a number of policies and objective in support of residential development within the operative Plan.
- Objective ZU 18-9- New residential development should normally respect the pattern and grain of existing urban development in the surrounding area
- Objective HOU 4-7: Housing Density on Residentially Zoned Lands- Medium A (30-50 units per hectare Net Density)

5.3 Natural Heritage Designation

The nearest designated site- Great Island Channel SAC (Site Code:001058)- is located approximately 2.7 km from subject site.

5.4 EIA Screening

Class (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 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 63 dwellings on a site c. 1.84 ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). Accordingly, it does not attract the need for a mandatory EIA. The site is located within a designated development area of Cobh, on lands zoned for residential purposes. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

5.5 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.7 km from the Great Island Channel SAC (Site Code:001058), the nearest designated site. The proposed development comprises the construction of 56 no. dwellings, together with ancillary site development works. There are no open watercourses on, or adjacent to the site.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature and scale of works
- Distance from nearest European site and lack of connections
- Taking into account screening determination by the planning authority (see Appendix B of Planner's Report dated 11/08/2022)

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

6.0 The Appeal

6.1 Grounds of Appeal

Two third-party appeal submissions were received, one of which was from Ard Aoibhinn Residents Committee while the other was signed by a number of residents of Ticknock. The appeal submissions may be broadly summarised as follows:

- Proposed pedestrian access through Ard Aoibhinn estate- impacts on bees and wildlife; increased pedestrian footfall through their estate adding to noise pollution, littering and anti-social behaviour
- Traffic Concerns- increased volume of traffic; inadequate infrastructure; traffic safety concerns; object to estate being used as a construction entrance
- Residential Amenity Concerns- impacts on daylight/overshadowing; overlooking
- Design and Layout- design of proposed development; significant cut and fill; concerns regarding impacts on water table; extent and height of retaining walls; rear garden areas
- Drainage Concerns- concerns regarding wastewater calculations; lack of detail regarding wastewater pumping station; no calculations submitted for stormwater; depth of manholes
- Other Matters- construction noise impacts; construction management including CEMP; inadequate level of detail submitted; concerns regarding site grading

6.2 Applicant Response

A response was received on behalf of the applicant, which may be broadly summarised as follows:

- Refutes grounds of appeal
- Relationships between proposal and new dwelling houses are carefully considered in proposal, including boundary treatments; sloped northern embankment is proposed at 40-55 degree maximum slope, is engineered and achieved using Green Terramesh, an environmentally friendly modular system used to enable safe, vegetated faced soil reinforced slopes and embankments; proposal places bottom of sloping ground 1m minimum from boundary/hedgerow with properties to north

- Limited affect on light to existing dwellings due to existing slope of land, distances between existing and proposed, planting and source of midday sun. Therefore, considered in reasonable terms that there was no need for a daylight study. Existing dwellings receive sunlight in excess of BRE recommendations; impacts on sunlight shall be negligible
- Separation distance of 26m proposed, which exceeds minimum requirements; all dwellings at minimum of 11m from existing boundary; no views into existing houses
- Retaining walls kept to a minimum; not proposed over 1m in height except in minimal locations where indicated on drawings
- Water calculations are prima facie compliant with Uisce Eireann Code of Practice; manholes designed to function fully within current standards; SuDS measures include driveway soakaway which is a sustainable approach to managing rainwater; drainage measures proposed avoid any adverse hydrological concerns for properties to the north
- Incorporation of geo-synthetic reinforcements will enhance ground stability under Eurocode 7, which ensures that engineered fill is stable and meets required standards. Quality and testing control will be implemented, together with pre-construction condition survey of surrounding properties
- In terms of pedestrian connectivity, aims to support access to local services and support integration of communities, lead to reduction in private car use
- No HGVs are proposed to access the site via Ard Aoibhinn or Hilltop Park; site access through Cooline developments to the west
- Notes Development Plan (section 2.5.9) which states that Cobh has a reasonably good range of community facilities and amenities serving its current population. Condition No. 4 stipulates that crèche/childcare facility will be provided in response to projected demand

6.3 Planning Authority Response

The following response was received:

- Satisfied that lighting spill will not affect the properties to the north (Executive Engineer)

6.4 Observations

None

6.5 Further Responses

None

7.0 Assessment

7.1 The proposed development originally comprised the construction of 63 no. residential units, together with associated site development works. The proposal was amended on foot of a Further Information request by the planning authority and the proposal was amended, which included the omission of 2 no. dwellings, bringing the total proposed to 61 no. dwelling units. The permitted scheme comprises the construction of 56 no. dwelling units as Condition No. 4 of the planning authority decision omitted House No.s 1-5 with the subject area to be reserved for the provision of a crèche/childcare facility. Condition No. 3 states that permission is granted for 56 no. dwellinghouses only with a portion of the site reserved for use as a creche/childcare facility. This proposed creche/childcare facility is to be located at the entrance to the scheme, towards the western corner.

7.2 The proposal includes for the omission of three no. dwellings, permitted under Reg. Ref. 20/6323 so as to enable access to the proposed site. The site is otherwise landlocked. I do not have issue with the removal of these dwellings.

7.3 The 56 no. dwellings, as permitted, are two (23%), three (68%) and four (9%) bed detached, semi-detached and terraced properties. All dwellings are two-storey in height. A wildlife buffer zone is proposed along the perimeter of the site, to facilitate changes in levels with new hedgerow to be added to that existing.

7.4 Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation received, together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context

- Pedestrian Access/Traffic Safety
- Residential Amenity
- Drainage/Capacity issues
- Other matters

Principle of proposed development/policy context

- 7.5 The subject site is located within the settlement boundary of Cobh, at its northern edge. It is currently a land-locked underutilised site, surrounded on almost all sides by development. The planning authority state that this application effectively relates to the final phases of an overall development, known as Cooline, on zoned residential lands within a designated settlement boundary. The subject site forms part of a larger landholding, owned by the applicants, and this appears to be the last remaining site within that landholding. Access to the site will be from an existing roadway within the Cooline residential development. I note that there are numerous policies and objectives in the operative Plan that support residential development within existing settlement boundaries on such sites. Cobh is identified as a Main Settlement in the Cobh Municipal District and as a Metropolitan town in the Cork Metropolitan Area. It is the second largest of the Metropolitan Cork Towns and section 2.5.1 of the operative County Development Plan states that ‘The vision for Cobh going forward is to provide for growth in population and employment...underpinned by the principle of compact growth...’. The Plan envisages the need for an additional 1,316 housing units will be required with approximately 872 housing units delivered on residentially zoned land in Cobh. The subject site is zoned for Established Residential/Mixed Residential and Other Uses. The principle of residential development has been previously established on part of the site by the planning authority. There is a recognised need for additional dwellings within the existing footprint of Cobh and the proposed development would aid in meeting these housing targets of the planning authority.
- 7.6 I further note that under ABP-300844-18 in which the Board, in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, determined that lands within the applicants control to the west, which included a small portion of this site (at

its western portion) was a vacant site within the meaning of that Act and were satisfied that the site is suitable for housing and that the majority of the site is vacant or idle.

- 7.7 I am satisfied that the principle of residential development is acceptable on this site and that the proposal would aid in achieving targets for residential development within the settlement, while also improving the visual amenity of this underutilised, site within the built-up, urban area. It will read as an extension to the existing residential development within the overall landholding.

Pedestrian Access/Traffic Concerns

- 7.8 One of the main issues raised in the Ard Aoibhinn Residents Committee appeal submission relates to the proposed pedestrian access from the proposed development, which seeks to link up with an existing footpath in the Ard Aoibhinn development. Their concerns relate to increased anti-social behaviour, littering, noise and impacts on wildlife. The planning authority were of the opinion that this connection would enhance pedestrian connectivity and accessibility to Cobh town centre from the proposed development and welcomed its provision. Condition No. 5 of the planning authority grant of permission related to the provision of same. The first party in their response to the appeal stated that the pathway is proposed to be planted to support wildlife. I note Table D2: Settlement Specific Key Infrastructure of the operative County Development Plan which in relation to Cobh specifically seeks 'improved pedestrian and cycle connectivity to town centre/rail station' and 'improved connectivity between development sites and the town centre/rail station'. In addition, section 12.7.10 of the operative County Development Plan states that 'New development should be optimally permeable for walking and cycling and opportunities for retrospective implementation of walking and cycling routes should be taken where practical in existing neighbourhoods'. The operative County Development Plan supports the provision of such safe, attractive linkages. Such increased permeability within an urban area is one of the cornerstones of good urban design and is to be welcomed in principle. I recommend that if the Board is disposed towards a grant of permission, that this matter be dealt with by means of a similarly worded condition to that attached by the planning authority in their grant of permission. I have no information before me to believe that the opening up of this pedestrian link would lead to increased anti-social behaviour, littering or noise

pollution or be would detrimental to the residential amenities or wildlife of the area. It would improve connectivity within the wider area and is to be welcomed.

- 7.9 Third-parties also raise concerns regarding traffic safety and impacts on existing road infrastructure as a result of the proposal, together with concerns that the Ard Aoibhinn estate would be used as a construction entrance. There are no proposals to use Ard Aoibhinn estate or The Hilltop as a construction entrance. It is stated in the documentation and reiterated in the first party response, that all construction traffic will utilise the existing Cooline estate, as has occurred with pervious developments on the overall land holding. I am satisfied in this regard. This is a relatively small development of 56 units permitted. The Plan envisages the need for an additional 1,316 housing units with approximately 872 housing units delivered on residentially zoned land. Capacity of existing infrastructure would have been taken into account in the preparation of the Plan. Cobh is identified as a Main Settlement in the Cobh Municipal District and as a Metropolitan town in the Cork Metropolitan Area. It is the second largest of the Metropolitan Cork Towns and section 2.5.1 of the operative County Development Plan states that 'The vision for Cobh going forward is to provide for growth in population and employment...underpinned by the principle of compact growth...'. The planning authority have not raised concerns in this regard. The main vehicular access to the proposed development is through the existing Cooline development. I have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users. I am satisfied in this regard.

Residential Amenity

- 7.10 In terms of impacts on residential amenity, I note the concerns raised in the third-party appeal submissions including issues of proximity/separation distances, overlooking, overshadowing, impacts on privacy, together with height and design of the proposed development. I highlight to the Board that one third-party submission contends that there is an inadequate level of detail provided within the submitted documentation to make a comprehensive assessment of the proposal. This matter was also raised during the application process and the planning authority, in their

request for Further Information addressed this matter at that time. Additional details were submitted to the planning authority, in response to the Further Information request including existing/proposed levels, site sections and location of proposed retaining walls. The planning authority were satisfied with the response received. I am satisfied that there is adequate detail on file for me to undertake a comprehensive assessment of the proposed development.

7.11 In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I acknowledge the level differences between the subject site and in particular the dwellings to the north. This has been raised as a concern in the appeal submission namely concerns regarding significant cut and fill; site grading; extent and height of retaining walls and impacts on their rear garden areas. The planning authority addressed this matter at Further Information stage and were satisfied with the response received. They considered that the details provided demonstrated a planned approach to ground levels and their relationship with neighbouring properties. They welcomed the approach of reducing the extent of retaining walls through grading the perimeter wildlife area, in order to soften the transition. It was clarified in the FI response by the applicants that any retaining walls would be relatively low, circa 1m in height, except where specified and the planning authority were satisfied that these walls would not be visually obtrusive. I refer the Board to Drwg 'Site Diagram III- Retaining Walls & Boundary Treatment' submitted as part of the FI response to the planning authority. The first party in their response to the appeal stated that the sloped northern embankment is engineered at 40-55 degree maximum slope, achieved using Green Terramesh, which is stated to be an environmentally friendly modular system used to enable safe, vegetated faced soil reinforced slopes and embankments. The first party further state that the proposal places the bottom of the sloping ground 1m minimum from boundary/hedgerow with properties to north. They continue by stating that the incorporation of geo-synthetic reinforcements will enhance ground stability under Eurocode 7, which ensures that engineered fill is stable and meets required standards. Quality and testing control will be implemented, together with the undertaking of a pre-construction condition survey of surrounding properties.

7.12 The site falls from south to north with level differences of almost 19 metres evident. I acknowledge the concerns expressed by the residents of properties to the north, given these level differences. While exact levels relative to their properties do not appear to have been provided, I note that their properties are at lower level than the subject site. A substantial number of site sections have been submitted by the applicants demonstrating the relationship between the proposed development and immediate adjoining existing properties. A geotechnical survey or any detailed ground investigation information was not submitted with the application documentation. Notwithstanding this, having regard to all of the information before me, I am satisfied that matters relating to management and monitoring of works by a suitably qualified engineer having regard to the relevant Eurocode can be dealt with by condition in the event of permission being granted. I am of the opinion that the stability of the site and risk of slippage should be treated in a precautionary manner; that is not to say that sound engineering solutions are not available. The responsibility for assessment as well as investigation of ground conditions and the design and execution of remedial or precautionary measures rests with the developer and no development should commence on site until a Construction Method Statement has been submitted to and approved by the Planning Authority. All works should be carried out to the relevant Eurocode. This should include temporary works which are required to be carried out in accordance with the requirements of the relevant Eurocode. I am of the opinion that a Construction Method Statement and Geotechnical Survey, prepared by suitably qualified professionals with relevant indemnity insurance, which describes detailed ground investigations at the site; technical specifications for the proposed boundary retaining walls and any grading or stabilisation works; together with any potential impacts of earthworks and ground movements on the residential properties to the north and any necessary mitigation measures should be submitted to the planning authority for their written agreement prior to the commencement of any works on site. These reports should demonstrate that there is no significant risk of damage to surrounding structures, including neighbouring residential dwellings to the north, as a result of the proposed works.

7.13 I am of the opinion that separation distances typical (or actually greater) of what would normally be anticipated within such location are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. Given the height and design of the proposed dwellings, I am of the opinion that the proposed houses would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I acknowledge that a daylight analysis was not submitted with the application documentation. However, given the separation distances involved, together with the orientation of the site, I would not anticipate there to be significant overshadowing/impacts on light, sufficient to warrant a refusal of permission. Compensatory measures by virtue of the heights and setbacks from boundary are proposed. I am satisfied that there would be negligible impacts on privacy and these would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, within the development boundary of Cobh, where there are adequate services, facilities and employment in close proximity. The planning authority have not expressed concerns in this regard.

7.14 The issue of construction noise is raised in the appeal submissions. I acknowledge that there may be some noise disruption during the course of construction works. However, such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I concur with the third-parties that a Construction and Environmental Management Plan should be submitted, prior to the commencement of any works on site. This plan would deal with such matters as construction traffic management, construction site compound, delivery times, waste management, noise, dust and air quality. This matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. I am generally satisfied in this regard.

Drainage/Capacity Issues

7.15 A third-party appeal raises concerns in relation to drainage matters, in particular regarding wastewater/stormwater calculations; lack of detail regarding wastewater pumping station and depth of manholes. The first-party refute these claims and state that the water calculations are prima facie compliant with Uisce Eireann Code of Practice; manholes are designed to function fully within current standards; SuDS measures include driveway soakaway which is a sustainable approach to managing rainwater. They further state that drainage measures proposed avoid any adverse hydrological concerns for properties to the north (where appellants properties are located). The planning authority requested Further Information in relation to drainage matters. I note that a Services and Infrastructure Report, together with a Drainage Impact Assessment Report were submitted as part of the Further Information response to the planning authority and they were satisfied with this assessment. The Engineering Report of the planning authority expresses no objections to the proposal, subject to conditions. Capacity issues have been addressed in the documentation and foul sewer calculations have been submitted. The site is not located within a flood zone. There are no open watercourses on the site. I note the report of Uisce Eireann, which has issued a Confirmation of Feasibility subject to conditions and has stated that they have no objections to the proposal, subject to conditions. Inland Fisheries Ireland did not object to the proposed development and their report is noted. The operative County Development Plan states that Cobh has capacity for 1316 further dwelling units during the lifetime of the Plan. Capacity of services would have been taken into account by the planning authority in arriving at this figure. I have no information before me to believe that the proposal would be prejudicial to public and I am generally satisfied in this regard, subject to conditions.

Other Matters

7.16 In terms of the overall design, one of the third-parties contend that a superior design for this site, given the level differences across the site, would be the provision of split-level dwellings built into the site, which would avoid some of the cut and fill currently proposed. I would not disagree with this assertion but consider that this

matter would not be sufficient in itself to warrant a refusal of permission. In terms of layout and design, I highlight to the Board that there are elements of this scheme with which I have issue. I consider that the density, at 30 units/hectare, is at the lower end of the spectrum given the location of the site within the metropolitan area of Cork. The layout is dominated by car parking; the open spaces are somewhat residual in nature, the mix of units is poor with almost 70% being three-bed units and there is a lack of different typologies, with no apartment unit proposed.

Notwithstanding these matters, I acknowledge that this proposed scheme forms the final piece of an overall larger development. The layout, house type, density and parking arrangements all reflect that what has previously been granted on the overall landholding and the proposal would integrate well with that previously permitted and largely constructed. It is for these reasons that I am not recommending a refusal of permission for the matters raised above.

7.17 Condition No. 4 of the planning authority decision omitted House No.s 1-5 with the subject area to be reserved for the provision of a crèche/childcare facility. It further stated that prior to the commencement of development the applicant shall submit a phasing plan for the development, including the early delivery of the creche facility in advance of the completion of the residential units and the no more than 20 no. residential dwellings permitted by this decision, shall be sold/leased/occupied until such time as the creche/childcare facility is constructed and completed. The parent permission on the site (Reg. Ref. 05/2345) permitted the construction of 280 dwellinghouses, crèche, sports pitch and all associated site works. It would appear that this creche was never constructed. As stated above, with so many amendments to that parent permission and extension of durations, it is difficult to ascertain without doing a detailed planning search of exactly how many units have been permitted to date on the overall landholding. It is stated in the response to Further Information that currently there are 192 houses within Cooline. I am unsure if this figure represents the total number permitted. It would appear that no creche/childcare facility was constructed within Cooline to cater for the demand of these previously permitted units. Therefore, I agree with the planning authority that a childcare facility should be provided within this scheme and recommend that a similarly worded condition be attached to any such grant of permission.

Conclusion

7.18 The proposal will contribute to the residential mix in the area, in accordance with the zoning objective for the area, and will integrate well with existing and permitted development in the vicinity. Given the height and design of the proposed residential units, together with the separation distances from existing dwellings, I am of the opinion that the proposed houses would not unduly overbear or overlook adjoining properties and would not seriously injure the amenities of property in the vicinity of the site. The provision of the pedestrian link through Ard Aoibhinn will improve permeability and connectivity in the area. There is an acknowledged housing crisis and this is a serviceable site, in an established urban area, where there are adequate services, facilities and employment in close proximity.

7.19 Overall, the proposed development is located on a site identified for residential development. Having regard to all of the above, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1 I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED, subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of property in the vicinity; would not lead to the creation of a traffic hazard or obstruction of road users; would improve permeability within the area and would not be prejudicial to public health. 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 received by the planning authority on the 24th day of March 2023 and 16th day of May 2023, 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>Prior to commencement of development, the developer shall submit to the planning authority for their written agreement:</p> <ul style="list-style-type: none"> (a) Construction Method Statement and Geotechnical Survey, prepared by suitably qualified professionals with relevant indemnity insurance, which describes detailed ground investigations at the site; technical specifications for the proposed boundary retaining walls and any grading or stabilisation works; together with any potential impacts of earthworks and ground movements on the residential properties to the north and any necessary mitigation measures. These reports shall demonstrate that there is no significant risk of damage to surrounding structures, including neighbouring residential dwellings to the north, as a result of the proposed works (b) Details (plans, sections and elevations at an appropriate scale) of proposed boundary treatments including retaining walls to include height, form and finish. All blockwork walls shall be suitably capped and rendered (c) Phasing Plan which provides for early delivery of the

	<p>creche/childcare facility</p> <p>(d) Details of proposed footpath connection in the south-eastern corner of the site across to the open space area at Ard Aoibhinn residential development including design, alignment, public lighting and landscaping proposals</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area</p>
3.	<p>This grant of permission authorises 56 no. dwellings only</p> <p>Reason: In the interests of clarity</p>
4.	<p>The proposed development shall be amended as follows:</p> <p>(a) House No.s 1-5 (Units A1-A5) together with their associated parking spaces shall be omitted from the proposal and the subject area shall be reserved for use as a creche/childcare facility. The design, scale, extent and layout shall be determined by way of a separate planning application</p> <p>(b) Not more than 20 residential units permitted in this decision shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to</p>

	<p>the proposed development shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
7.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.</p> <p>(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>A detailed 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, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>

8.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p>

	<p>Reason: In the interest of public health and surface water management</p>
11.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
12.	<p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety</p>
14.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>

	<p>underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development..</p> <p>Reason: In the interest of visual and residential amenity.</p>
15.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. [The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority]. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16.	<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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to

	<p>facilitate the delivery of abnormal loads to the site;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Provision of parking for existing properties at [specify locations] during the construction period;</p> <p>(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection</p>
17.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste</p>

	<p>Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
19.	<p>If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
20.	<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</p>

	<p>agreement in writing with the planning authority in relation to the transfer of land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
21.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
22.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate</p>

	<p>entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
23.	<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>
24.	<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. 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>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.</p>
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Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

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.

Lorraine Dockery
Senior Planning Inspector

24th September 2024

EIA Preliminary Examination- Form 2

An Bord Pleanála Case Reference	ABP- 317536-23	
Proposed Development Summary	Construction of 63 no. dwelling houses and all associated ancillary development work.	
Development Address	Cooline, Ballyvoloon, Cobh, Co.Cork	
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</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>Not exceptional in the context of the existing environment. Infill site. Zoned, serviceable site within built-up area of Cobh.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development 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>Size of the proposed development is not exceptional in the context of the existing environment. Development of 63 units within existing, built-up area. Using existing infrastructure</p>	<p>No</p> <p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant</p>	<p>Proposed development is not located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species. Mitigation measures proposed to protect local ecology. No PS on site.</p>	<p>No</p>

environmental sensitivities in the area, including any protected structure?	No protected species/habitats on site	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: Lorraine Dockery

Date: 24th September 2024